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

January 3, 2022
6:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Julie Asmus, Thomas Butterfield, Michael O'Brien, Justin Ask, Vicki Davis, Andrew Plowman, and Audrey Nelsen. Present 9, Absent 0.

Also present were City Administrator Leslie Valiant, Police Chief Jim Felt, Planning and Development Services Director Justice Walker, Interim Public Works Director Gary Manzer, Human Resource Director LuAnn Sietsema, City Clerk Judy Thompson, and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

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

City Clerk Judy Thompson reviewed the consent agenda.

A. City Council Minutes of December 20, 2021
B. Willmar Municipal Utilities Commission Minutes of December 27, 2021
C. Park and Recreation Board Minutes of November 17, 2021
D. Accounts Payable Report for December 16 – 29, 2021
E. **Resolution No. 2022-002 Prosecution Contract with Anderson Law Offices**
F. Application for Exempt Permit – Willmar Fests, Inc.
G. Reappointments to Boards/Commissions
   - Dylan Erickson-Thoemke to Board of Zoning Appeals
H. Police Commission Minutes of June 4, 2021
I. CCT Operations Board Minutes of September 28, 2021
J. Willmar Area Lakes CVB Board Minutes of November 16, 2021

Council Member Fagerlie offered a motion to approve the consent agenda and introduced **Resolution No. 2022-001 Approving Consent Agenda Items.** Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

There was no one present to speak during the Open Forum.

City Administrator Valiant presented a request to authorize the Mayor and City Administrator to execute the agreement for Intergovernmental Transfer and ECPN payments by and between Carris Health, Rice Memorial Hospital, Rice Care Center and the City of Willmar.

Resolution No. 2022-003 Carris Health Intergovernmental Transfer Agreement was introduced by Council Member Nelsen. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Administrator Valiant presented a request to approve the proposed fee schedule for the City of Willmar.

Following a lengthy discussion, Council Member Fagerlie offered a motion to have staff explore additional deposit fees and bring back to council in near future for consideration, and introduced **Resolution No. 2022-004 Establishes Fees for Services, Permits and Licenses and Establishes Rental Rates for City Equipment.** Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Interim Public Works Director Manzer presented a request to approve the extension of the closure of the indoor gun range to March 31, 2022. It was noted Gary Peterson, a member of the club and renter of the indoor range approached the Parks and Recreation Board on December 15th to ask for an extension. He explained that allowing the extension would provide a safer environment for conceal and carry classes to happen. The Willmar Parks and Recreation Board recommended the approval of the extension for public shooting events and rentals.

Following a lengthy discussion, Council Member Plowman offered a motion to approve staff's request. Council Member O'Brien seconded the motion.

Following further discussion, Council Member Nelsen called the question. Council Member Asmus seconded the motion, which carried. Council Member O'Brien voted "no".

The original motion then failed on a roll call vote of Ayes 0, Noes 8. Council Members Fagerlie, Asmus, Butterfield, O'Brien, Ask, Davis, Plowman, and Nelsen voted "no".

Human Resource Director Sietsema presented a request to approve the 2022 part-time employee pay scale as presented. It was noted, the updated pay scale is to position City wages more competitively as hiring part-time staff is becoming increasingly more difficult.

Resolution No. 2022-005 Approving Part-Time Pay Scale for 2022 was introduced by Council Member O'Brien. Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Walker presented a request to terminate the professional services agreement with Bolton & Menk for Downtown Streetscape planning and construction design. He noted the City was made aware from DEED that the Bolton and Menk approved plans would not be approved for funding and the entire grant funds of $750,000 would be withheld.

Following discussion, **Resolution No. 2022-006 Terminate Streetscape Agreement with Bolton and Menk** was introduced by Council Member Fagerlie. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Walker presented a request to authorize the City Planning Department staff to design and implement a revised Downtown Streetscape project that will be in accordance with DEED requirements.

Resolution No. 2022-007 Authorize Staff to Design and Implement Streetscape Project was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Walker presented a request to approve the job description for Rental Housing Inspector and authorize Human Resource Director Sietsema to recruit for the new position.

Following a lengthy discussion, Council Member Nelsen offered a motion to approve staff's request. Council Member Davis seconded the motion, which carried unanimously.

Human Resource Director Sietsema presented a request to approve the COVID-19 mandatory vaccination policy for the City of Willmar and authorize City Administrator to implement future policy changes as requested by MN OSHA. She noted effective January 10, 2022 MN OSHA is mandating COVID-19 vaccinations for all employers with 100 or more employees. Further information related to testing requirements will be made available to the Council as MN OSHA guidelines are updated.

Following discussion, Council Member Nelsen offered a motion to approve staff's request. Council Member Ask seconded the motion.

Following a lengthy discussion. Mayor Calvin recessed the meeting at 7:40 p.m. to allow City Attorney Scott to gather further information regarding this issue.

Mayor Calvin reconvened the meeting at 7:47 p.m.

Following information received from City Attorney Scott, consensus of the Council was the desire to be in compliance, but their reluctance to approve the "mandatory" verbiage in the original motion.

Following further discussion, Council Member Nelsen withdrew her motion and Council Member Ask withdrew his second of the original motion.

Council Member Nelsen then offered a new motion to authorize the City Administrator and Human Resource Director to comply with all MN OSHA mandates regarding vaccinations and testing and implement future policy changes as necessary to maintain compliance. Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 4, Noes 1. Council Member Plowman voted "no". Council Members Butterfield, O'Brien, and Davis abstained from voting. Mayor Calvin broke the "tie" with an affirmative vote.

Mayor Calvin presented a request for consideration of changing the location and start time of future Council meetings.

Following a lengthy discussion, Council Member Butterfield offered a motion to change the start time to 6:30 p.m. and move the location of meetings back to the Willmar Municipal Utilities building. Council Member O'Brien seconded the motion.

Following further discussion, Council Member Butterfield agreed to modify his motion to remove the meeting location change, but keep the change in start time to 6:30 p.m. Council Member O'Brien agreed to this change as the member who seconded the motion.

Following yet further discussion, Council Member Butterfield attempted to withdraw his motion, but Council Member O'Brien did not agree to withdraw his second of the motion as modified.

City Attorney Scott advised that, the motion as modified was still on the table. **Resolution No. 2022-008 Establish Regular City Council Meeting Time** then passed on a roll call vote of Ayes 8, Noes 0.

Mayor Calvin offered the following comments: "Thank You" to Willmar Fests members and volunteers for all the hard work in the recent "Celebrate the Light of the World" display at Robbins Island.

Council Member Fagerlie offered a motion to adjourn the meeting with Council Member Nelsen seconding the motion, which carried. The meeting adjourned at 8:20 p.m.

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 2022-001

APPROVING CONSENT AGENDA ITEMS

Motion By: Fagerlie Second By: Nelsen

WHEREAS, the City Charter for the City of Willmar requires the City Council approve all Consent Agenda items by resolution.

BE IT RESOLVED by the City Council of the City of Willmar Minnesota, that all Consent Items of the January 3, 2022 City Council meeting be approved as presented.

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Dated this 3rd day of January, 2022

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
CITY CLERK

RESOLUTION NO. 2022-002

APPROVING AGREEMENT WITH ANDERSON LAW OFFICES, PLLC

Motion By: Fagerlie Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar to approve an agreement with Anderson Law Offices, PLLC to provide prosecution legal services for 2022-2024 and authorize the Mayor and City Administrator to sign on behalf of the City.

Dated this 3rd of January, 2022

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
CITY CLERK

RESOLUTION NO. 2022-003

CARRIS HEALTH INTERGOVERNMENTAL TRANSFER AGREEMENT

Motion By: Nelsen Second By: Plowman

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Mayor and Administrator to execute the "Agreement for Intergovernmental Transfer and ECPN Payments by and between Carris Health, Rice Memorial Hospital, Rice Care Center and the City of Willmar" effective January 1, 2022.

Dated this 3rd day of January, 2022

/s/ Marv Calvin
Mayor

Attest:

/s/ Judy Thompson
City Clerk

RESOLUTION NO. 2022-004
ESTABLISHES FEES FOR SERVICES, PERMITS AND LICENSES
AND ESTABLISHES RENTAL RATES FOR CITY EQUIPMENT

Motion By: Fagerlie Second By: Asmus

WHEREAS, the City Council of the City of Willmar duly establishes fees for service, sets fees for permits and licenses, and establishes rental rates for City equipment.

NOW, THEREFORE, BE IT RESOLVED that the below listed fees be duly adopted for the year 2022 and the same hereby ordered kept on file in the office of the City Clerk.

CITY CLERK:

Liquor License Investigation Fees:	
Sole Proprietor	$125.00
Partnership	$150.00
Corporation	$300.00
Limited Liability Company	$150.00
Liquor Licenses:	
On-Sale Liquor	$4,000.00 per year
Off-Sale Liquor	$950.00 per year
Club On-Sale Liquor	$300.00 per year
On-Sale Wine	$200.00 per year
On-Sale Sunday	$200.00 per year
On-Sale 3.2% Malt Liquor	$150.00 per year
Temporary On-Sale Liquor	$100.00 per year
On-Sale Taproom	$150.00 per year
Off-Sale Taproom	$150.00 per year
Off-Sale Brewpub	$150.00 per year
City Park Special Event-Liquor	$100.00 per event
Civic Center Special Event-Liquor	$100.00 per event
Community Festival Event-Liquor	$100.00 per event
Café – Restaurant, Bowling Alley, Taxi Cab	$30.00 per year
Carnival, Circus, Exhibition	$30.00 per day
Cat & Dog	$3.00-7.50 per year
Dance, Parade, Run/Walk, Special Event, Street Fair	$30.00 per event
Dumpster, Service Parking	$30.00 per 30 days
Fireworks Indoor Display	$50.00 per event
Fireworks Outdoor Display	$30.00 per event
Fireworks Sales & Storage	$100.00 per event
Mobile Food Unit	$50.00 per event or 150.00 per year
Pawnbrokers	$150.00 per year
Street Closure	$50.00 per event
Theatre	300.00 per year

ADMINISTRATIVE FEES:

Chapter 9, Article I, Section 9-3	
Nuisance Abatement — Administrative Fee	$75.00
Chapter 9, Article III, Section 9-43	
Removal of Weed/Grass Nuisance — Administrative Fee	$75.00
Chapter 9, Article VI, Section 9-66	
Removal of Infected Trees — Administrative Fee	$75.00
Chapter 9, Article I, Section 13-2	
Payment for Current Service —Administrative Fee (snow removal, sidewalk repairs, etc.)	$75.00

PUBLIC WORKS:

Maintenance Trucks:	
3 –5 Ton Trucks	$35.00/hour
1 Ton Truck	$18.00/hour
3 –5 Ton Truck/Plow/Sander	$41.00/hour
3 –5 Ton Truck/Plow/Sander/Wing	$55.00/hour
1 Ton Truck Plow	$27.00/hour
½ - ¾ Ton Pickup	$17.00/hour
1 Ton /Water Tank	$27.00/hour
Tractors, Loaders, Motor Graders:	
2 –3 CY Loaders	$82.00/hour
Loader/Plow/Wing	$102.00/hour
Loader/Snow Blower	$122.00/hour
Motor Grader	$96.00/hour
Motor Grader/One-Way Plow	$102.00/hour
Motor Grader/One-Way Plow/Wing	$115.00/hour
40-50 Hp Tractor	$21.00/hour
40-50 Hp Tractor/Attachments	$35.00/hour
MT Trackless/Blower/Mower	$61.00/hour
90 Hp Tractor/22’ Flail Mower	$55.00/hour
30-40 Hp Unit Mower/Blower/Sweeper	$35.00/hour
Skid-Loader	$35.00/hour
Skid-Loader/Attachments	$50.00/hour
Snowplowing Sidewalks (incl. labor and equipment)	$1.00/LF
Specialty Equipment:	
Air Conveyance Unit	$55.00/hour
Elgin Sweeper (4 CY)	$70.00/hour
Hydraulic Sewer Cleaner	$68.00/hour
Paint Sprayer	$9.00/hour
Paint Sprayer and 1 Ton Truck	$27.00/hour
50’ Bucket Truck	$70.00/hour
30’ Bucket Truck	$41.00/hour
Brush Chipper	$29.00/hour
Tamper	$9.00/hour
Bituminous Distributor and Truck (less material)	$50.00/hour
Bituminous Roller	$55.00/hour
Grass and Leaf Pickup Broom	$29.00/hour
Chain Saws	$10.00/hour
Trailers	$12.00/hour
Over Seeder	$29.00/hour
Turf Pro	$29.00/hour
Gator and Sprayer	$27.00/hour
Generator	$9.00/hour
Trash Pumps	$9.00/hour

Utility Vehicle with Crane Hoist	$42.00/hour
Air Compressor	$25.00/hour
Materials:	
Winter Sand Mixed with Salt	$55.00 CY
Gravel	$20.00/Ton
Bituminous Cold Mix	$105.00/Ton
Chalk Dust (50lb. bag)	$8.00/bag
Diamond Dry (50lb. bag)	$13.00/bag
Bituminous Repair (incl. labor and equipment)	$55.00/SY
Labor:	
Regular	Contract rate plus 53%
Overtime	Contract rate plus 53%
Access Fees:	
Industrial Park Storm Pond	$835.00/acre
Radio Station Drive Lift Station	$595.00/acre
Abbott Drive, Lift Station	$895.00/acre
Wastewater Treatment:	
5,000 gallon tanker with hydraulic boom:	$30.00/hour
Portable Lab Sampler	$5.00/hour
Airport:	
Conference Room	$40.00/non-airport related meetings

PARKS & RECREATION

Adult recreation programs will charge cost of program, officials, balls, sanctioning fees, etc. plus $7 per team court fee for volleyball/basketball and $10 per team field fee for softball.

BALL FIELDS

Baseball/Softball Fields	$50.00 per game $250.00 daily rate per field
Lights for ball fields	$25.00 per day per field
Baker Field (field only)	$300.00 per day
Orange BB Field	$250.00 per day
Picnic Area behind Taunton Stadium	$75.00 per day

SHELTERS

Four Season Shelter	$130.00 per day
Enclosed Park Shelters (Guri, Hilltop, Shelter #1 and Rice)	$110.00 per day
Open Shelter #2 (no electricity)	$40.00 per day
Damage Deposit	$100.00

EQUIPMENT

Bleachers –7 High	$100.00 per day plus staff costs
Picnic Tables Rental (12 maximum) (for pickup only – no delivery)	$10.00 per table per day
Barricades	$2.00 per day
Minimum charge for hauling barricades	$20.00

SHOWMOBILE

Events in Willmar (not for profit)	$215.00 per day + staff expenses
Events in Willmar (for profit)	$500.00 per day + staff expenses
(Plus Clean-up/Damage Deposit)	$200.00
Staff Expenses	$80.00-$280.00 depending upon number
of staff	

AQUATIC CENTER

Individual Season Pass	$90.00
Family of Two	$130.00
Family of Three	$140.00
Family of Four	$150.00
Family of Five	$160.00
Family of Six	$170.00
Each Additional Family Member	$15.00
Daily Admission Rate	$3.00
Observers	$3.00
Group Admissions	$2.50
Discount Coupons:	
10 coupons	$25.00
20 coupons	$45.00
Pool Rental – 2 hour minimum	$100.00 per hour plus guard/staff fees

CITY AUDITORIUM

Gym Rental	$50.00 per hour not to exceed $300.00 per day min. two hours
Staffing	$20.00 per hour
Stage	$20.00 hour

Omit after February, 2022

~~Range Rental~~	~~$80.00 per hour plus certified Rangemaster (if the group doesn't have one)~~
~~Open Range~~	~~$8.00 per half hour~~

CIVIC CENTER

Cardinal Arena Dry Floor events	$580.00 per day plus services
Ice Rental	$155.00 per hour till April 1
Blue Line Arena Dry Floor events	$400.00 per day plus services
Ice Rental	$155.00 per hour till April 1
Lobby	$75.00 per day
Staffing	$20.00 per hour

COMMUNITY CENTER

Burlington Northern or Selvig Rooms	$60.00 each per day OR $100.00 per day for both
Sunshine Room	$40.00 per day
Reynolds Room	$25.00 per day
Staffing	$20.00 per hour

EVENTS AND RECREATION CENTER

Meeting Room A/B	$25.00 per day $40.00 per day for both
Community Room	$40.00 per day
Dry Floor Space/Gym	Full gym $50.00 per hour not to exceed $300.00 per day. Min. 2 hours Half gym $25.00 per hour not to exceed $150.00 day. Min. 2 hours
Staffing	$20.00 per hour

TURF FIELDS	$100.00 per hour $400.00 max

FIRE DEPARTMENT:
Firefighter hours that are billed are taken directly from the roll call list.
Firefighters receive a $15.73 per hour and are paid in one-hour increments.

Equipment:	First Hour	Additional Hour
1st line pumper - 5251, 5257	$300	$200/hour
Tanker/pumpers 5276	300	200/hour
Ladder trucks – 5298 and 5299	500	400/hour
Grass rig - 5285	150	100/hour
Support Vehicles – 5296, 5297, 5294, 5295, 5293	75	50/hour
Trailers	75	50/hour

Equipment charges are billed by the quarter hour as time listed on the fire report, after initial one-hour charge.
Special equipment and supplies used will be billed on a cost basis.

A $25.00 per hour per Firefighter for fire watch/standby conducted by the Fire Department for special events and any standby conducted during fire protection/detection system down time (as described in the Minnesota State Fire Code).

Training Room Rental Fee:	$50.00 per hour with a 2 hour minimum
Fire Alarm Permit	$ 30.00
Fire Alarm Permit Renewals	$ 30.00 every 3 years
Alarm Malfunction	$500.00
Bottle Filling Fees	2216 PSI air tank filling fee $5.00/bottle 3000 PSI air tank filling fee $10.00/bottle 4500 PSI air tank filling fee $15.00/bottle 5000-6000 PSI air tank filling fee $25.00/bottle
Fire Reports	$ 0.25/page plus postage

POLICE DEPARTMENT:
$70.00 per hour for off-duty police officers
$60.00 per hour for computer forensic/video redaction/specialized IT services
$30.00 per hour for off-duty Community Service Officer (non-licensed) services

Dated this 3rd day of January, 2022

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
CITY CLERK

RESOLUTION NO. 2022-005

RESOLUTION APPROVING PART-TIME PAY SCALE FOR 2022

Motion By: O'Brien Second By: Ask

WHEREAS, the City Council must approve the pay scale for part-time employees.

NOW THEREFORE BE IT RESOLVED, the City of Willmar 2022 Part-time Pay Scale is attached hereto and incorporated herein by reference in its entirety is approved.

Dated this 3rd day of January, 2022

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
CITY CLERK

RESOLUTION NO. 2022-006

TERMINATE SCREETSCAPE AGREEMENT WITH BOLTON AND MENK

Motion By: Fagerlie Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Mayor and Administrator to terminate the professional services agreement with Bolton and Menk for the Downtown Streetscape planning and construction design by submitting written note.

Dated this 3rd day of January, 2022

/s/ Marv Calvin
Mayor

Attest:

/s/ Judy Thompson
City Clerk

RESOLUTION NO. 2022-007

AUTHORIZE STAFF TO DESIGN AND IMPLEMENT STREETSCAPE PROJECT

Motion By: Plowman Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar to authorize the City's Planning Department to design and implement a revised Downtown Streetscape Project in accordance with the DEED requirements.

Dated this 3rd day of January, 2022

/s/ Marv Calvin
Mayor

Attest:

/s/ Judy Thompson
City Clerk

RESOLUTION NO. 2022-008

ESTABLISH REGULAR CITY COUNCIL MEETING TIME

Motion By: Butterfield Second By: O'Brien

WHEREAS, the City Council of the City of Willmar, Minnesota at its biennial meeting of January 11, 2021 established the regular City Council meetings and time in Resolution No. 2021-006; and

WHEREAS, at the May 4, 2021 meeting Resolution No. 2021-092 was passed discontinuing City Council subcommittees and a discussion of the City Council meeting start and end time was had; and

WHEREAS, at the May 17, 2021 meeting Resolution No. 2021-107 was passed to start City Council meetings at 6:00 p.m. in order to allow for more discussion if it is needed.

WHEREAS, at the January 3, 2022 meeting discussion was held to regarding changing the start time.

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the regular, semi-monthly meetings of the City Council shall be held at 6:30 p.m. on the first and third Mondays of each month during the remainder of 2022.

Dated this 3rd day of January, 2022

/s/ Marv Calvin
MAYOR

Attest:

/s/ Judy Thompson
CITY CLERK