

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

June 6, 2011
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Frank Yanish. Members present on a roll call were Mayor Yanish, Council Members Ron Christianson, Bruce DeBlieck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 8, Absent 1 – Council Member Doug Reese was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief David Wyffels, Public Works Director Holly Wilson, Finance Director Steve Okins, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

The Council requested that the Municipal Utilities Commission Minutes and Accounts Payable be removed from the Consent Agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 16, City Council Minutes of May 27, Rice Hospital Board Minutes of May 11, Municipal Utilities Commission Minutes of May 25, Accounts Payable through June 2, Building Inspection Report for May, Charter Commission Minutes of March 1, and Willmar Design Center Board Minutes of May 11, 2011; and Exempt Permit Application for Central Minnesota Community Foundation. Council Member Ahmann seconded the motion, which carried.

The Council discussed an item in the Municipal Utilities Commission Minutes relating to a proposed electric rate increase of 7% in July, 2011, and 7% in January, 2012. Council Member DeBlieck moved to approve the Municipal Utilities Commission Minutes of May 23, 2011, with Council Member Dokken seconding the motion, which carried.

Following discussion of the Accounts Payable through June 2, 2011, Council Member Christianson moved to approve the report with Council Member Anderson seconding the motion, which carried.

At 7:09 p.m. Mayor Yanish opened a public hearing on an Ordinance Authorizing the Issuance of \$1,825,000 General Obligation Improvement Bonds, Series 2011A. City Administrator Schmit presented details of the proposed bond issue to help finance the 2011 Street Improvement Program and reviewed sources and uses of the funds, assessment income, and the net debt service schedule. There being no one present to speak for or against the proposed Ordinance, Mayor Yanish closed the hearing at 7:11 p.m.

Following discussion, Council Member Anderson offered a motion to adopt, assign a number, and order final publication of an Ordinance Authorizing the Issuance of \$1,825,000 General Obligation Improvement Bonds, Series 2011A and the Levying of Taxes to Secure Payment Therefore. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

RESOLUTION PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF

\$1,825,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2011A

(For Resolution in its entirety, see City Council Proceedings file dated June 6, 2011, located in the City Clerk's Office)

At 7:13 p.m. Mayor Yanish opened a hearing on an Ordinance Amending Willmar Municipal Code Section 3.6(b) by Adding a Section Allowing the On Sale of Wine and Intoxicating Malt Liquors at Collegiate League Games. City Clerk Halliday presented details of the proposed Ordinance which would allow the owners of the Willmar Stingers to sell strong beer at summer collegiate league baseball games. There being no one present to speak for or against the proposed Ordinance, Mayor Yanish closed the hearing at 7:15 p.m.

Council Member Fagerlie offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Willmar Municipal Code Section 3.6(b) by Adding a Section Allowing the On Sale of Wine and Intoxicating Malt Liquors at Collegiate League Games. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 6, Noes 1 – Council Member Ahmann voted “No.”

Shawn Mueske, Chair of the Charter Commission, presented to the Mayor and Council a final draft of Charter amendments. Following discussion, Council Member Anderson moved to direct the City Attorney to put the draft in Ordinance form. Council Member DeBlicek seconded the motion, which carried on a roll call vote of Ayes 6, Noes – Council Member Christianson voted “No.”

Mayor Yanish recognized Tony Hunsted who had signed up to address the Council during its scheduled Open Forum. Mr. Hunsted discussed the need for a speed zone at the Middle School.

City Attorney Ronning presented to the Mayor and Council the 2010 City Attorney Annual Report. Following a question and answer period, the Report was ordered placed on file in the City Clerk's Office.

The Finance Committee Report for May 23, 2011, was presented to the Mayor and Council by Council Member Anderson. There were four items for Council consideration.

Item No. 1 There were no public comments at the meeting.

Item No. 2 Pursuant to a May 6, 2011, liquor compliance check conducted by the Willmar Police Department, Staff presented to the Committee the list of retail liquor establishments that violated Municipal Code Sec. 3-2 Selling or Giving Intoxicating Liquor to Persons to Whom Sale is Prohibited. Two establishments incurred their first violation for which representatives were present to explain measures being taken to eliminate future violations, including Police Department training recorded on a CD, and possible use of technology scanners. El Tapatio was represented by Manager Juan Valencia and Cafe Persepolis was represented by Owner Jon Emami. This matter was for information only.

Item No. 3 The Committee reviewed an application from the Willmar Elks organization to renew their Premise Gambling Permit from the State Gambling Control Board. The local unit of government must vote on the application. The Committee was recommending the Council approve the premise permit as presented.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

REQUESTING THAT THE MINNESOTA GAMBLING CONTROL BOARD APPROVE
THE APPLICATION FOR A PREMISE PERMIT FOR THE WILLMAR ELKS LODGE #952

WHEREAS, the Willmar Elks Lodge #952 has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the Elks Lodge #952, 426 Litchfield Avenue SW, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the Willmar Elks Lodge #952 and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the Willmar Elks Lodge #952 for the time period of June 1, 2011, through May 31, 2013.

Dated this 6th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed the Cushman A. Rice Trust Report for April, 2011. This matter was for information only.

The Finance Committee Report for May 23, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for May 24, 2011, was presented to the Mayor and Council by Council Member Christianson. There were four items for Council consideration.

Item No. 1 Staff presented items relating to street repair to the Committee including a list of specific areas resulting from frost boils and utility cuts. Staff proposed a strategy to use in order to repair the streets listed. The smaller segmented repairs are proposed to be completed by Public Works Staff at an estimated cost of approximately \$16,952 and the remainder of the frost boil repair bid at an estimated cost of \$352,000 would be bid to private contractors. Staff suggested funding the contracted portion of the project from WRAC 8 Reserves.

The Committee was recommending the Council adopt a preliminary budget to move the funds in the amount of \$352,000 from WRAC 8 Reserves into a project budget and authorize Staff to advertise for bids. Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

1103 PRELIMINARY BITUMINOUS STREET REPAIR IMPROVEMENTS BUDGET

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	City	<u>\$352,000.00</u>
Salaries Temp. Employees	<u>\$1,000.00</u>	TOTAL	\$352,000.00
TOTAL:	\$1,500.00		

SUPPLIES		FINANCING	
Office Supplies	\$500.00	WRAC 8 reserves	<u>\$352,000.00</u>
Small Tools	\$500.00	TOTAL	\$352,000.00
Motor Fuels & Lubricants	\$2,000.00		
Postage	\$1,000.00	GRAND TOTAL	\$352,000.00
Mtce. of Other Improvements	\$500.00		
General Supplies	<u>\$1,000.00</u>		
TOTAL	\$5,500.00		

OTHER SERVICES

Mtce. of Other Impr.	\$306,100.00
Other Services	<u>\$9,200.00</u>
TOTAL	\$315,300.00

OTHER CHARGES

Insurance & Bonds	\$2,000.00
Advertising	\$2,000.00
Adm. OH (Transfer)	\$15,700.00
Other Charges	<u>\$10,000.00</u>
TOTAL	\$29,700.00

GRAND TOTAL \$352,000.00

Dated this 6th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 1103 for the City of Willmar;

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

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 16th day of June, 2011, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 6th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Staff proposed reconstructing several deteriorated streets by adding them to the existing contract with Duinck Inc. for Project No. 1101. These streets are 20th Avenue SW from 22nd to 25th Street, 25th Street SW from 20th Avenue to 21st Avenue, 11th Avenue SE from 6th Street to 9th Street, and 4th Avenue SE from 24th Street to 25th Street. It is estimated these added streets would increase the contract price by approximately \$439,000 without engineering, which would be within the 25% of the contract price that is allowed for add on. Staff is proposing financing the improvements through the PIR Funds and reimbursed through the 2012 bond issue.

The Committee was recommending the Council order an Improvement Report for Project No. 1101-12. Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

ORDER OF IMPROVEMENT REPORT

WHEREAS, it is proposed to construct the following improvements under Project No. 1101-12:

grading, gravel base, curb and gutter, tiling, bituminous pavement, sidewalk, service lines, sanitary sewer, storm sewer, water main, and street lighting;

and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Section 429.011 to 429.111 (Laws 1953, Chapter 398, as amended).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WILLMAR, MINNESOTA:

That the proposed improvement be referred to the City Engineer for study, and that he is instructed to report to the Council advising the Council in a preliminary way as to whether the proposed improvement is feasible, and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Dated this 6th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee was recommending that the Council adopt the preliminary budget. Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 1.

RESOLUTION NO. 6

1101-12 PRELIMINARY STREET IMPROVEMENTS BUDGET

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$283,600.00
Salaries Temp. Employees	<u>\$1,000.00</u>	City	\$213,000.00
TOTAL	\$1,500.00	City (MUC)	<u>\$3,000.00</u>
		TOTAL	\$499,600.00

SUPPLIES	
Office Supplies	\$500.00
Small Tools	\$500.00
Motor Fuels & Lubricants	\$2,000.00
Postage	\$1,000.00
Mtce. of Other Improvements	\$500.00
General Supplies	<u>\$1,000.00</u>
TOTAL	\$5,500.00

FINANCING	
City (MUC)	\$3,000.00
PIR Fund	<u>\$496,600.00</u>
TOTAL	\$499,600.00
GRAND TOTAL	\$499,600.00

OTHER SERVICES	
Mtce. of Other Impr.	\$434,500.00
Other Services	<u>\$13,000.00</u>
TOTAL	\$447,500.00

OTHER CHARGES	
Insurance & Bonds	\$2,000.00
Prof. Serv.	\$10,000.00
Advertising	\$2,000.00
Adm. OH (Transfer)	\$21,100.00
Other Charges	<u>\$10,000.00</u>
TOTAL	\$45,100.00

GRAND TOTAL \$499,600.00

Dated this 6th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee was recommending the Council adopt a Resolution establishing procedures relating to compliance with reimbursement bond regulations. Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(For Resolution in its entirety, see City Council Proceedings file dated June 6, 2011, located in the City Clerk's Office)

Two other deteriorated streets, 19th Street NW from Gorton Avenue to the north end of the cul-de-sac and 12 Street SW from Becker to Trott, were recommended to be included as an additional project to be bid later this summer and constructed yet this season. It was noted that 19th Street NW has already gone through the improvement hearing process, but 12th Street SW developed recently when a failure occurred in the sanitary sewer line and bad soils and failed pipe were discovered along the entire block. Staff requested the same three actions be taken for this project.

The Committee was recommending the Council order an Improvement Report for Project Nos. 1111 and 1112. Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

ORDER OF IMPROVEMENT REPORT

WHEREAS, it is proposed to construct the following improvements under Project Nos. 1111 and 1112:

grading, gravel base, curb and gutter, tiling, bituminous pavement, sidewalk, service lines, sanitary sewer, storm sewer, water main, and street lighting

and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Section 429.011 to 429.111 (Laws 1953, Chapter 398, as amended).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WILLMAR, MINNESOTA:

That the proposed improvement be referred to the City Engineer for study, and that he is instructed to report to the Council advising the Council in a preliminary way as to whether the proposed improvement is feasible, and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Dated this 6th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee was recommending the Council adopt the preliminary budget for Project No. 1112. Resolution No. 9 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 9

1112 PRELIMINARY STREET IMPROVEMENTS BUDGET

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$32,900.00
Salaries Temp. Employees	<u>\$500.00</u>	City	\$70,600.00
TOTAL	\$1,000.00	City (MUC)	\$4,900.00
		City (WWTP)	<u>\$4,600.00</u>
		TOTAL	\$113,000.00
SUPPLIES		FINANCING	
Office Supplies	\$250.00	City (MUC)	\$4,900.00
Small Tools	\$250.00	City (WWTP)	\$4,600.00
Motor Fuels & Lubricants	\$500.00	PIR Fund	<u>\$103,500.00</u>
Postage	\$300.00	TOTAL	\$113,000.00
Mtce. of Other Improvements	\$200.00		
General Supplies	<u>\$500.00</u>		
TOTAL	\$2,000.00		

	GRAND TOTAL	\$113,000.00
OTHER SERVICES		
Mtce. of Other Impr.	\$98,200.00	
Other Services	\$2,900.00	
TOTAL	\$101,100.00	
OTHER CHARGES		
Insurance & Bonds	\$1,000.00	
Prof. Serv.	\$2,500.00	
Advertising	\$1,000.00	
Adm. OH (Transfer)	<u>\$4,400.00</u>	
TOTAL	\$8,900.00	
GRAND TOTAL	\$113,000.00	

Dated this 6th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee was recommending the Council adopt a Resolution establishing procedures relating to compliance with reimbursement bond regulations. Resolution No. 10 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 10

RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(For Resolution in its entirety, see City Council Proceedings file dated June 6, 2011, located in the City Clerk's Office)

Item No. 2 The Committee was informed by Staff that three quotes were received for the construction of a concrete slab to relocate the skateboard park from the former Washington Elementary School parking lot to the Swansson Field tennis courts. The proposed area will be 100' x 100' and the Willmar School District has budgeted \$25,000 to fund the project. This amount will need to be increased in order to cover the costs, or the project must be downsized. Staff will prep the site and install the fencing. Staff recommends entering into an agreement to construct the slab with Hansen Concrete.

The Committee was recommending the Council accept the low quote of Hansen Concrete to construct the Skateboard Park Slab and authorize the Mayor and City Administrator to enter into an agreement. Resolution No. 11 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 11

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of Hansen Concrete of Spicer, Minnesota for the Skateboard Park Slab is

accepted, and be it further resolved that the City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the contractor for the terms and consideration of the contract in the amount not to exceed \$28,890.00.

Dated this 6th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed the results of the quotes opened for inspection of private property for inflow/infiltration from sump pumps. Two quotes were received with the low quote being that of Bolton and Menk for an amount of \$29,000.00. The Sump Pump Inspection Program includes the Ortenblad and Country Club Drive areas. These two areas have had numerous bypasses in recent years, which may result in a moratorium on growth that serves a line or lift station. Staff recommended accepting the low quote of Bolton and Menk.

The Committee was recommending the Council accept the low quote of Bolton and Menk for the amount of \$29,000.00 to perform sump pump inspections and authorize the Mayor and City Administrator to enter into an agreement. Resolution No. 12 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 12

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of Bolton and Menk, Inc. of Willmar, Minnesota for Sump Pump Inspections is accepted, and be it further resolved that the City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the contractor for the terms and consideration of the contract in the amount not to exceed \$29,000.00.

Dated this 6th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 13 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 13

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2011 Wastewater Treatment Collections Budget for the purpose of funding a Sump Pump Inspection Program as follows:

Increase:	Line Item 46	\$29,000.00
Decrease:	Line Item 51	\$29,000.00

Dated this 6th day of June, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 4 Rhonda Rae of Donohue and Associates briefed the Committee on activities for the month of April related to the Wastewater Treatment Plant Relocation Project. Program management activities included submittal of Pay Request No. 19 for the 30-year loan to the Public Facilities Authority for the Clean Water Revolving Fund.

The firm continues to provide information for the City's asset management, maintenance and operational program. Work continues on gravity collection piping and force main piping costs. Donohue is assisting legal counsel and City staff to provide information on the property acquisition.

Meetings continue between the City and property owners regarding the final restoration of properties. Project 0815-D5 was approved for final project acceptance and final payment in September 2010 and Project 0816-D6 approved in January 2011. All systems at the new Wastewater Treatment Facility are operational and being operated by City Staff. The contractor continues working on punch list items and post start-up services. Donohue continues to coordinate post start up training, receive vendor O & M Manuals and work on the Plant O & M Manual.

The construction of Project No. 1017-B, decommissioning of the old facility and construction in the Administration Building is complete and the contractor declared substantial completion on the Administration Building as of February 2011. The Primary Settling Complex, Excess Flow Basins, Biofilter Building, FRP Odor Control Tower, Roughing Filter, Effluent Pump Station, Chlorine Building, Secondary Settling Basin, Sludge Thickener, most of Digesters 1-4 and the Digester Building have been removed.

A prebid conference was held for Project No. 1109-B2 Decommissioning the Ortenblad and Arby's Lift Stations and the Sewer Reroute. The bid date for the project was May 3, 2011. The City is working on salvaging the control panel, antenna, floats, transducer, and pumps from the Arby's Lift Station prior to commencement of the construction contract. The Budget Summary for the entire project is outlined in detail in the report. This matter was for information only.

The Public Works/Safety Committee Report for May 24, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Fagerlie, and carried,

The Community Development Committee Report for May 26, 2011, was presented to the Mayor and Council by Council Member Dokken. There were four items for Council consideration.

Item No 1 There were no public comments offered at the meeting.

Item No. 2 Staff introduced the continued discussion of a City-wide clean-up effort. Mayor Yanish introduced Don Williamson from West Central Sanitation. Mr. Williamson said that his company has had different experiences in different cities, and he advocated that there should be some personal responsibility in the way of cost sharing on the part of the people who dispose of unwanted items. Mr. Williamson suggested the City consider two options for the clean-up efforts. The first option would be to provide curb-side pickup. This is the most costly method and would typically be done at City expense. The second option would be to designate collection points and to provide dumpsters and roll-offs for disposal of waste products at those locations and is a less costly. The designated collection points are

typically manned by the private hauler or City Staff, or a combination of the two.

The Committee discussed several concerns with a clean-up effort. Those concerns were that a City subsidy would become expected and could cause hoarding. Also, that people may try to dispose of hazardous waste. Problems in dealing with cultural differences were also discussed. Staff explained the Zoning Ordinance and Municipal Code standards for dealing with garbage and trash accumulation, and the enforcement authority the City has under each. The Committee asked Charley Leuze from the Integration Collaborative for her assistance in soliciting participation by the Latino community. They specifically referenced the mobile home parks as locations where trash accumulation occurs on a near constant basis. Ms. Leuze said her office would be willing to make some calls and lead that effort.

The Committee requested that City Staff work with Mr. Williamson and Ms. Leuze to put together a community wide clean-up disposal plan and that it be brought back to the Committee at the June 16, 2011, meeting. In the meantime, Staff will also contact the Churchill Group, who owns the two mobile home parks, to request their participation in the clean-up efforts and payment. This matter was for information only.

Item No. 3 Staff explained to the Committee the on-going land use issues at the former Ace Sign site on 14th Street Southwest. The business had existed as a non-conforming use in a residential district. Since it was vacated and the County acquired it, there has been no suitable use found for the property because of its zoning classification. Staff was suggesting that the Planning Commission pursue an amendment to the R-2 and R-3 zoning district regulations that would allow indoor, non-residential storage as a conditional use. This would allow the Planning Commission to conduct a public hearing to consider for example, a request by a contractor who needed storage space or by a resident who needed space to store vintage automobiles or other motorized equipment, where they don't have room on their site. The intent of the amendment would be to find uses that would create minimal activity because the site is in a residential neighborhood.

The Committee was recommending that the Planning Commission be directed to initiate a Zoning Ordinance amendment to allow indoor, non-residential storage as a conditional use in the R-2 and R-3 zoning districts. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Ahmann seconding the motion, which carried.

Item No. 4 Staff provided updates as follows: Mid Central Research and Outreach Center is ready for construction; the City is waiting to get a signed copy of the grant agreement from the State of Minnesota. Buhler is up and running in the industrial park and Staff has been working with them to answer JOBZ questions. Willmar Fabrication is operational at the former Bernick's site; the City is waiting for a copy of the signed business subsidy agreement to be returned from the State of Minnesota. Engan and Associates is nearing completion of the building analysis and cost estimates for the former airport terminal building. That information is to be available in time for Staff to review and make recommendations prior to a meeting with the FAA and SHPO later in June. Two new commercial projects were approved by the Planning Commission. The businesses were an orthodontia clinic on 19th Avenue and a small retail strip center near Wal-Mart on 19th Avenue. This matter was for information only.

The Community Development Committee Report of May 24, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member DeBlieck, and carried.

The Labor Relations Committee Report for June 1, 2011, was presented to the Mayor and Council by Council Member Ahmann. There were three items for Council consideration.

Item No. 1 Chair Ahmann noted that the Willmar Municipal Utilities has asked that a discussion regarding proposed increases in meal allowances be postponed until the Municipal Utilities

Commission has had an opportunity to further review their proposed program. This matter will be considered at a later date and was for information only.

Item No. 2 Chair Ahmann recognized Fire Chief Marv Calvin who was present to discuss with the Committee a proposal to change retirement programs for volunteer paid on-call firefighters. Chief Calvin introduced Mark Thompson, President of the Willmar Firefighter Relief Association and Paul Cool, Relief Association Secretary.

Chief Calvin explained that Willmar Firefighters have researched, and the Relief Association Board has approved, participation in a PERA sponsored Statewide Volunteer Lump-sum Firefighters Retirement Plan. The PERA plan would provide a simplified approach to oversight while relieving the Council and the Association of having to make annual determinations with regard to benefits. The program contains many of the same requirements, ie. vesting, and allows for portability should a firefighter transfer to another community participating in the PERA program. The program would be fully funded and assuming a 6% rate of return, would allow for higher benefits in the future. The Firefighter Relief Association Board of Directors, Fire Chief and City Administrator were all recommending approval of the PERA program at a \$2,500 benefit level per year of service until January 1, 2016, when the benefit level would increase to \$3,500 per year of service.

The Committee was recommending that the Mayor and City Administrator are hereby authorized to execute all documents necessary to enroll the Willmar Firefighters Relief Association in PERA Voluntary Statewide Lump-sum Firefighter Retirement Plan. Resolution No. 14 was introduced by Council Member Ahmann, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 14

RESOLUTION OPTING TO JOIN THE VOLUNTARY STATEWIDE LUMP-SUM FIREFIGHTER RETIREMENT PLAN

WHEREAS, the Willmar Firefighters Relief Association is authorized to join the Voluntary Statewide Lump-Sum Firefighter Retirement Plan administered by the Public Employees Retirement Association (PERA); and

WHEREAS, Willmar Firefighters and Willmar's Fire Relief Association have jointly consented to and obtained a cost analysis for joining the Voluntary Statewide Lump-Sum Firefighter Retirement Plan from PERA not less than 90 days ago; and

WHEREAS, Willmar highly values the contribution of Willmar Fire Department members to the safety and well being of our community and wishes to safeguard their pension investments in a prudent manner; and

WHEREAS, the Willmar Firefighters Relief Association has requested participation in the Voluntary Statewide Lump-Sum Firefighter Retirement Plan administered by PERA under the terms provided in the PERA cost analysis at the \$2500 benefit level per year of service until January 1, 2016; and then increase benefit level to \$3500 lever per year of service.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Willmar that the Mayor and City Administrator are hereby authorized to execute all documents necessary to enroll the Willmar Firefighters Relief Association in the PERA Voluntary Statewide Lump-Sum Firefighters Retirement Plan.

