

COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

The Community Development Committee of the Willmar City Council met on Thursday, July 31, 2014, in Conference Room No. 1 at the City Office Building.

Present: Rick Fagerlie Chair
Bruce DeBlieck Vice Chair
Jim Dokken Member
Tim Johnson Member

Others present: Steve Ahmann, Council Member; Audrey Nelsen, Council Member; Bruce Peterson, Director of Planning and Development Services; Colleen Thompson, Waste Water Treatment Supervisor; Bev Dougherty; John Chester; and Bob Hogan.

Item No. 1 Call to Order

The meeting was called to order by Chair Fagerlie at 4:45 p.m.

Item No. 2 Public Comments

John Chester of Chester Contracting addressed the Committee and expressed his concern about permit fees going up and State guidelines used for project valuation. Mr. Chester was informed that the Council would be conducting a public hearing on the fee issue and he was invited to attend.

Item No. 3 Municipal Code Amendments – Use of Sidewalks (Motion)

Staff presented a proposal to amend the Municipal Code to change three things in the section regarding the use of sidewalks. Those three things are to allow the use of sidewalks seven days per week for qualifying businesses, to eliminate the property removal requirement so businesses can leave tables and chairs out, and to include licensed liquor establishments as allowable users of the adjacent sidewalk. The Committee discussed the possibility of requiring fences on the sidewalk to separate the use. Bev Dougherty stated that it was the responsibility of the facility manager to control access for liquor establishments, both inside and outside the building.

Following discussion, a motion was made by Council Member DeBlieck, seconded by Council Member Johnson and passed, that the Council refer the matter to the City Attorney to prepare the necessary ordinance.

Item No. 4 Utility Services in Multi-Family Buildings (Motion)

The Committee discussed utility billing for residential structures with more than one dwelling unit, but with only one meter. Property owners have complained about getting a separate meter charge for each unit. The primary Committee concerns were about ambiguous definitions in the City's rate schedule, landlords being unable to pass along costs, and the possibility that the increased cost could lead to poor maintenance of the structure. Bob Hogan, who owns an 18 unit building, says he is paying about \$75.00 per unit for sewer and thought that was too high. He said the rental market does not allow him to pass those charges on to the tenant.

Following discussion, a motion was made by Council Member Fagerlie, seconded by Council Member Dokken and passed, that the Council refer the matter to the Finance Committee to review the rate schedule and better define terms and procedures.

Item No. 5 Vacant Building Registration (For Information Only)

Staff presented a proposal to consider a vacant building registration program as a means of reducing the number of nuisance violations tied to vacant properties. It was brought to the Committee to see what type of appetite the Council might have for pursuing such a program. The Committee discussed the pros and cons of such a process. It was agreed that vacant properties lead to increased nuisance complaints. There was also concern expressed about public safety issues relative to vacant structures. There is no current count of vacant structures in the City of Willmar. Staff recommended a windshield survey of vacant buildings to gather that information. Once that number is obtained, additional information can be brought to the Committee to see if they would like to pursue such a registration program.

Item No. 6 Business Incentives Process (For Information Only)

Staff reviewed the current process for considering and granting business incentives. The various policies adopted by the Council relative to business subsidies, financial incentives, as well as specific incentives, were available to the Committee for their review and discussion. Council Member Johnson requested that staff provide a periodic report to the Council regarding the number of inquiries received for financial incentives. Staff agreed that could be done on a regular basis.

Item No. 7 Old Business

Staff provided updates on the final airport land release and the historical mitigation process, both which are well underway. There was also brief discussion about the UMEC building (former Erickson Furniture). Staff told the Committee that he had been in contact with their attorney, and it was now unclear whether they were going to pursue demolition or building rehabilitation.

Item No. 8 New Business

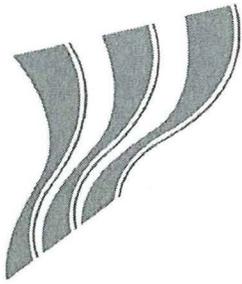
Staff provided a brief update on a number of projects including: Relco, Jennie-O Turkey Store, Taco Bell, ALDI, and Bethesda Pleasant View, as well as the Willmar Avenue railroad crossing and industrial park development projects.

There being no further business to come before the Committee, the meeting was adjourned at 6:05p.m. by Chair Fagerlie.

Respectfully submitted,



Bruce Peterson, AICP
Director of Planning and Development Services



CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION

Agenda Item Number: _____

Meeting Date: July 31, 2013

Attachments: Yes No

CITY COUNCIL ACTION

Date: _____

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| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Planning and Development Services

Agenda Item: Municipal Code Amendments – Use of Sidewalks

Recommended Action: Refer the matter to the City Attorney to prepare the necessary Ordinance.

Background/Summary: With the proposed brew pub in downtown, there has been increased talk about restaurant and bar facilities using sidewalk areas for seating and serving. There are restrictions in the City's Municipal Code with regard to use of sidewalks that need to be addressed to better accommodate restaurants and liquor establishments in their use of the sidewalks, while maintaining the public access and public safety in the right-of-way. Staff is proposing that the Municipal Code be adjusted to allow the use of sidewalks seven days per week versus the current six days per week, to eliminate the property removal requirement, so businesses can leave tables and chairs out, also to include licensed liquor establishments as allowable users the adjacent sidewalk.

Alternatives:

1. Refer to the City Attorney to draft an ordinance.
2. Leave as is

Financial Considerations: N/A

Preparer: Bruce D. Peterson, AICP
Director of Planning and Development Services

Signature: 

Comments:

Willmar, Minnesota, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 8 - LICENSES, PERMITS AND BUSINESS REGULATIONS >> ARTICLE I. IN GENERAL >>

ARTICLE I. IN GENERAL

- Sec. 8-1. Refund of fee, transfer of license when business premises is taken by city.
Sec. 8-2. Permit for sales from public street or sidewalk.
Sec. 8-3. Use of public sidewalks in the central business district for commercial purposes.
Secs. 8-4—8-25. Reserved.

Sec. 8-1. Refund of fee, transfer of license when business premises is taken by city.

- (a) If a person applies for and receives a license or permit issued by the city and the license or permit or the license or permit period provided for has therein been made wholly or partially ineffective because of the purchase or condemnation by the city of the premises used and occupied by the person in his occupation. Upon the suspension by that person of the occupation because of the actual taking of the premises by the city for public use, there shall be paid to that person a prorated sum representing the unused portion of the license or permit period.
- (b) If such licensee or permittee is disturbed in his occupancy of the premises in question because of the taking by the city for public purposes of the property occupied by him, in lieu of the provisions of subsection (a) of this section, if such licensee is successful in securing other premises for occupation and continuation of the same business, the license or permit already issued on the application by that person and action by the city council may be transferred in such manner that the person is permitted to carry on his occupation in his new premises for the unused portion or term of the license or permit.

(Code 1978, §§ 1345.01, 1345.03)

Sec. 8-2. Permit for sales from public street or sidewalk.

- (a) *Required.* No person shall conduct sales of any merchandise whatsoever for money or other consideration upon the public streets or sidewalks of the city without having first obtained a permit as provided in this section.
- (b) *Types of sales included.* For the purpose of this section, making retail sales shall include, but not be limited to, selling, taking orders for, offering for sale or offering to take orders for goods, wares, printed matter, merchandise or any other article, or for services, including the repairing of any article.
- (c) *Application.* Any person desiring to engage in or make retail sales upon public streets or sidewalks within the city shall file an application for a permit for that purpose with the city clerk-treasurer, which application shall state the full name and residence of the applicant, the full name and residence of the person by whom employed or for whom acting, the kind of items or services which he proposes to sell, and the time during which such sales will be attempted. The application shall be on a form approved by the city council and shall identify all vehicles which will be used in the sales regulated by this section.
- (d) *Approval.* Upon the filing of the application, the city clerk-treasurer shall present the application to the city council at its next regular meeting. The city council shall, in considering the application, impose such conditions as it determines are required to provide for the health, safety and protection of persons and property.
- (e) *Permit required for each vehicle, mobile stand or salesperson.* A permit shall be required for:
- (1) Each vehicle or mobile stand from which sales are made.
 - (2) Each salesperson making sales, unless the sales are made from a vehicle or mobile stand which has been issued a permit.
- (f) *Fee.* The fee charged for each permit shall be set from time to time by resolution of the council, which resolution shall remain on file with the city clerk-treasurer. The city council may waive the requirement for the payment of a fee.

(Code 1978, §§ 1309.01—1309.06)

Cross reference—Streets, sidewalks and other places, ch. 13

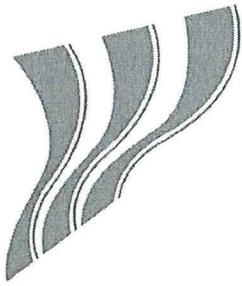


Sec. 8-3. Use of public sidewalks in the central business district for commercial purposes.

- (a) *Issuance of permits.* Any business located in the central business district may apply to the city clerk for a permit to conduct business on the public sidewalk immediately adjoining the building where the business is located. The permit shall expire on December 31 of the year in which it was issued. Use of the permit shall be subject to all the terms of this section.
- (b) *Conditions on use of sidewalks.* Each permit that is issued shall be subject to the following conditions:
- (1) Sidewalk remaining for use by pedestrians shall be a minimum of five (5) feet in width in addition to the area presently occupied by trees, transformer boxes or other permanent installations.
 - (2) The sidewalk shall be used for the permitted purpose on Monday through Saturday only.
 - (3) Each permit shall contain an indemnification fully indemnifying the city against claims for injury to persons or damage to property.
 - (4) Property placed on the sidewalk by a permit holder shall be removed from the sidewalk at the close of each business day.
 - (5) Property placed on the sidewalk by a permit holder shall not obstruct or interfere with building exits; fire hydrants; standpipes or other public safety equipment.
 - (6) No food or beverage shall be sold on the public sidewalk for immediate consumption except by a licensed restaurant and only in compliance with all state and local regulations for restaurants. All waste liquids and foods; disposable cups, glasses, plates and utensils; and waste paper shall be placed in covered garbage receptacles.
- (c) *Permit not required.* A permit shall not be required for use of the sidewalk by a business during a downtown promotion such as Crazy Days, block parties and special sales events. A permit shall also not be required to place a flower pot on the sidewalk provided it abuts the wall of the building that it is placed in front of.

Cross reference—Sidewalks, ch. 13, art. III.

{Ord. No. 1092, §§ 1-3, 7-2-97}



CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION

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Attachments: Yes No

CITY COUNCIL ACTION

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| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Planning and Development Services

Agenda Item: Utility Services in Multi-Family Buildings

Recommended Action: Receive for information only

Background/Summary: When the City adjusted its utility rates last year, a downtown apartment owner questioned the adjustments to his billing being done on a per-unit basis, even though he only has one meter serving the building. Staff worked with the property owner and the Municipal Utilities to arrive at a fair number of units based on the design and occupancy of the rental units. That issue has again come up for discussion. Staff has discussed it internally and believes it is being handled correctly. Staff recommends that no action be taken at this time.

Alternatives:

1. Leave as is
2. Pursue possible changes

Financial Considerations: Varied dependent on the final disposition of the matter.

Preparer: Bruce D. Peterson, AICP
Director of Planning and Development Services

Signature:

Comments:

Sewer Bill Calculations
Lakeland Building 407 Litchfield Avenue SW

		Rate/unit	# units	Total charge
2013	Administration Billing Charge	\$2.62	1	\$2.62
	Usage Charge-ave 7100 ft3	\$2.39	71	\$169.69
	Meter Charge-1"	\$45.00	1	\$45.00
	TOTAL			\$217.31
2014	Aministration Billing Charge	\$2.70	1	\$2.70
(June 17-July17)	Usage Charge-5200 ft3	\$2.51	52	\$130.52
Actual billing	Meter Charge-5/8"	\$28.00	24	\$672.00
	TOTAL			\$805.22
2014	Administration Billing Charge	\$2.70	1	\$2.70
Ordinance	Usage Charge-5200 ft3	\$2.51	52	\$130.52
Interpretation	Meter Charge-1"	\$70.00	1	\$70
	Meter Charge-5/8"	\$28.00	24	\$672
	TOTAL:			\$875.22

Meter Charge Definition: A fee charged per meter determined by the size of meter and units in service.

Notes: Added this account on January 2013 and was being billed 1 meter charge of \$45. It was not listed as multiple dwelling. Rate Changes took place on the August 2013 billing period even though rate change was effective June 2013. Meter Charge for a 1" meter in 2012 was \$45. Prior to rate change in 2013 the Lakeland Building was not being billed as a multiple dwelling. It wasn't until August 2013 that it was updated as a multiple dwelling unit. At that time it was listed as a 30 unit commercial dwelling. On March 2014 it was reduced to 24 units.

7/31/2014

RATE SCHEDULE
SEWER SERVICE CHARGES

Sewer service charges will be billed for the following described items, as applicable to a given user, at rates established and updated from time to time by Ordinance of the city council and set out on the Table of Sewer Rates, attached as Exhibit A to this rate schedule. [The amounts of sewer service charges shall be kept on file at the office of the city clerk-treasurer.]

1. *Administration (billing) charge.* A charge on each account for administration and billing costs.
 2. *Utility improvement charge.* A fixed charge on each account for utility improvement.
 3. *Usage charge (basic metered rate).* A user charge based on water usage, with one (1) unit equal to one thousand (1,000) gallons or one hundred (100) cubic feet, which may alternatively be expressed as a rate.
 4. *Meter charge.* A fee charged per meter determined by the size of meter and units in service.
 5. *Surcharge.* A fee charged users discharging waste in excess of normal domestic strength for that portion of waste above normal domestic strength.
 6. *Nonmetered rates.* A charge for those customers whose separate, individual flow is not metered or measured and must be estimated, and is determined by using a numerical representative average for the type of user or customer.
 7. *Noncompliance fine.* A measure of calculated values that are outside the allowable values in the industrial wastewater discharge permit. This value is non-compliant and subject to procedures fines.
 8. *Violation fine.* An amount to recover the related cost per violation of the sanitary sewer ordinances, or any contractual agreement or wastewater discharge permit.
 9. *Sump pump user fee.* Permitted sump pumps discharging ground water during winter months.
- (b) Wastes discharged at strengths or pollutant levels equal to or less than domestic sewage shall pay the user charge for pumping and treating domestic wastewater. Persons discharging wastes with strengths or pollutant levels above domestic wastewater shall pay a surcharge in addition to the user charge based on volume.
- (c) Any person discharging an industrial waste of such character that it causes the city to incur additional expenses for treatment to the extent that the expenses are not covered by existing city user charges or surcharges shall pay the added cost of handling and treating the wastewater.
- (d) All liquid wastes from all septic tanks and dry wells to be disposed of within the city, by either public or private means, shall be disposed of at the wastewater treatment facilities of the city. The charges for such disposal of liquid wastes from septic tanks and dry wells shall be established by the approving authority.

(Ord. No. 939, § 1(.12), 1-9-89; Ord. No. 1284, §§ 19, 21, 2-2-09; Ord. No. 1348, § 1, 6-17-13)

Sec. 16-159. Billing, collection.

- (a) *Monthly statements.* Wastewater user charges provided for in this division shall be included as separate items on the regular bill for water service. The amounts due to the city shall be payable monthly. Such bills shall become due and payable on the first of the month following the month in which service is rendered. Failure to receive a bill shall not exempt or excuse

ORDINANCE NO. 1348

AN ORDINANCE AMENDING CHAPTER 16, UTILITIES, ARTICLE IV, RATES AND CHARGES,
DIVISION 3, SEWER SERVICE

The City Council of the City of Willmar hereby ordains as follows:

Section 1. AMENDMENT OF MUNICIPAL CODE SECTION 16-158, DETERMINATION OF CHARGES. Willmar Municipal Code Section 16-158, Determination of Charges, is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

(a) The approving authority shall make sewer service charges to offset the cost of operation and maintenance, including replacement, and local capital costs, such as debt retirement, depreciation and previous years' operating debt, of its wastewater treatment facility, wastewater pumping stations and collection system. The sewer service charges shall consist of an administrative charge, utility improvement charge, a meter or availability charge, a usage charge, a surcharge, noncompliance fine, a violation fine and a sump pump fee, if applicable. The costs shall be reviewed and the rates adjusted by the approving authority on an annual basis; except, if necessary, the rates may be adjusted more frequently. The amounts of sewer service charges shall be kept on file at the office of the city clerk-treasurer.

RATE SCHEDULE
SEWER SERVICE CHARGES

Sewer service charges will be billed for the following described items, as applicable to a given user, at rates established and updated from time to time by Ordinance of the City Council and set out on the Table of Sewer Rates, attached ~~set out~~ as Exhibit A to this rate schedule. [The amounts of sewer service charges shall be kept on file at the office of the city clerk-treasurer.]

Section 2. AMENDMENT OF TABLE OF SEWER RATES, EXHIBIT A TO MUNICIPAL CODE SECTION 16-158, DETERMINATION OF CHARGES. Exhibit A to the rate schedule contained in Municipal Code Section 16-158, Determination of Charges, which most recently was updated to list sewer rates through the year 2012, is hereby updated and amended to read as shown on Exhibit A attached hereto.

Section 3. EFFECTIVE DATE. This ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Council Member: Anderson

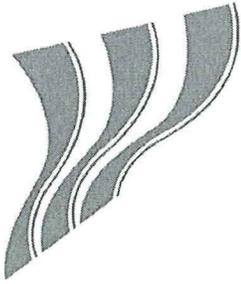
This Ordinance introduced on: June 3, 2013

This Ordinance published on: June 8, 2013

This Ordinance given a hearing on: June 17, 2013

This Ordinance adopted on: June 17, 2013

This Ordinance published on: June 21, 2013



**CITY OF WILLMAR, MINNESOTA
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| <input type="checkbox"/> Other | |

Originating Department: Planning and Development Services

Agenda Item: Vacant Building Registration

Recommended Action: Receive for information

Background/Summary: A number of Cities have instituted a new process to deal with the problem of long-term vacant buildings. Cities are initiating registration programs with considerable fees to offset the additional staff costs in following up with issues related to the vacant buildings. Due to the number of vacant buildings we have in our residential areas and in some commercial areas, staff has compiled some information for the Council to review to see if there is any appetite to begin a vacant building registration process in Willmar. The Committee can review the attached information and make a determination whether this is something that they would like to pursue.

Alternatives:

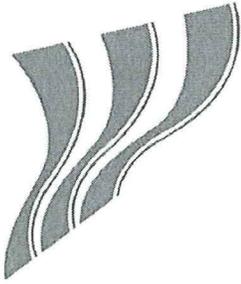
1. Initiate a new registration system
2. Continue without vacant building registration

Financial Considerations: Variable based on the number of nuisance complaints and staff time involved in monitoring the buildings.

Preparer: Bruce D. Peterson, AICP
Director of Planning and Development Services

Signature:

Comments:



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| <input type="checkbox"/> Other | |

Originating Department: Planning and Development Services

Agenda Item: Business Incentives Process

Recommended Action: Receive for information

Background/Summary: Council Member Ahmann has requested that the Community Development Committee review the current process for business incentives. Background information is included.

Alternatives: N/A

Financial Considerations: N/A

Preparer: Bruce D. Peterson, AICP
Director of Planning and Development Services

Signature:

Comments: