To: Mayor and City Council  
From: John Harren- General Manager- Willmar Municipal Utilities  
Subject: District Heat Update/Proposed Financial Assistance Program and Timeline  
Date: May 10, 2017

AGENDA ITEM: Update on the progress of the District Heat System:  
- Proposed financial assistance program  
- Timeline for potentially decommissioning District Heat

INTRODUCTION/REQUEST:  
The purpose of this agenda item is to update the Mayor and City Council on the progress of, and review the steps required to potentially decommission the District Heat System including the Proposed Financial Assistance Program and the Tentative Schedule for Potentially Discontinuing the District Heat System. Inform the Mayor and City Council of the information being considered at the May 22, 2017 WMU Commission Meeting/Public Hearing.

HISTORY:  
At the January 3, 2017 WMU Commission Meeting, WMU staff was directed to contact the District Heat customers to gain an understanding of their challenges with transitioning to an alternative heat source and to pursue options to transition customers away from the District Heat system. Based on customer input, a transitional strategy plan would be developed for consideration and approval (determines process & time frame). This would include a minimum two-year transitional period from the time the transition strategy is adopted.

WMU General Manager attended the City Council Work Session on April 3, 2017 and presented a background of the District Heat System along with Q&A session with the Mayor and City Council.

CURRENT CIRCUMSTANCE:  
WMU Commission approved the Tentative Schedule to Potentially Decommission the District Heat System at its May 8, 2017 meeting which included setting a date for a public hearing(s) on May 22, 2017 to consider the following:

Approval of a resolution recommending the establishment of a proposed program to provide financial assistance to residential, commercial and industrial customers of Willmar Municipal Utilities’ district heat system to convert to another type of heat system.

Approval of a resolution to potentially discontinue Willmar Municipal Utilities’ district heat system, effective as of July 1, 2020.
RECOMMENDATION:
No City Council action is requested at this time. Future dates of notice if resolutions are passed by the WMU Commission at the May 22, 2017 meeting/public hearing would be following:

June 5, 2017-

WMU Staff would attend the City Council Work Session to address Council questions regarding the resolutions. WMU would introduce the ordinances mentioned above for first reading at the City Council Meeting and request the setting of a public hearing at the June 19, 2017 City Council Meeting.

June 19, 2017-

City Council would hold a public hearing to consider a resolution approving the discontinuance of the District Heat System with a discontinuance date of July 1, 2020.

City Council would hold a public hearing and the second reading on the ordinance establishing the proposed WMU Financial Assistance Program, move to adopt, number and publish the ordinance.

City Council would adopt a resolution delegating the responsibility for executing and administering the program to WMU.

ISSUES:

FINANCIAL IMPACT:

ALTERNATIVES:
1.
2.

RECOMMENDED MOTION:
None at this time.
Potential action could be required on June 5, 2017

REVIEWED BY:

WORK SESSION DATE: May 15th, 2017

COUNCIL MEETING DATE:
Willmar Municipal Utilities Tentative Schedule to Potentially Decommission District Heat:

Tentative Schedule:

May 4th - Commission Work Session:
• WMU to hold a Commission Work Session to discuss financial assistance program
• Discuss potential decommissioning date

May 8th - Commission Meeting:
• WMU Commission directs staff to set public hearing on May 22nd for potentially decommissioning District Heat July 1st, 2020
• WMU Commission directs staff to proceed with the rate setting process to develop a financial assistance program as proposed and sets the public hearing date for May 22nd, 2017
• Mr. Scott prepares notices for publication

May 9th - WMU Staff:
• WMU to hold a Contractor Meeting with CenterPoint Energy and HVAC contractors

May 15th - City Council Work Session:
• WMU commission/staff will attend the City Council work session to review the steps required to potentially decommission the district heat system
• Inform the City Council of the following:
  o Proposed financial assistance program in progress
  o The information is being considered at the May 22nd Commission meeting/public hearing.

May 17th - WMU Staff:
• WMU staff to hold District Heat customer meeting (staff/customers) to address questions and inform customers of a July 1st, 2020 proposed date of discontinuance and solicit feedback.

May 22nd - Commission Meeting:
• WMU holds the public hearing potentially decommissioning the District Heat on July 1, 2020
• WMU adopts a resolution potentially decommissioning the District Heat on July 1, 2020
• WMU holds the public hearing regarding the proposed financial assistance program
• WMU adopts a resolution containing the proposed recommended financial assistance program
• Mr. Scott to prepare resolution(s)
May 23rd - WMU Staff:
- WMU submits resolution(s) to the City for Council consideration at the June 5th City Council Meeting
- City staff to include WMU’s proposed financial assistance program on the June 5th City Council Agenda

June 5th - WMU Commission/Staff
- WMU commission/staff will attend the City Council work session to address questions regarding resolution(s)

June 5th - City Council & Staff:
- City Council introduces ordinance establishing WMU proposed financial assistance program rate for first reading and acts to publish ordinance and set a public hearing on the ordinance at the June 19th City Council Meeting
- Mr. Scott to prepare ordinance

June 19th - City Council:
- The City Council will hold a public hearing to consider a resolution approving the discontinuance of the District Heating system
- Approve a resolution approving the discontinuance of District Heat July 1st, 2020
- Mr. Scott to prepare resolution discontinuance
- City Council conducts public hearing and the second reading on ordinance establishing WMU proposed financial program, and moves to adopt, number and publish the ordinance
- Ordinance and new program rate takes effect upon second publication, or at a different date in the future as specified in the ordinance
- City Council adopts a resolution delegating the responsibility for executing and administering the program to WMU

June 20th - WMU Staff:
- WMU submits resolution to decommission District Heat to DEED
Willmar Municipal Utilities

Proposed Financial Assistance Program:

1) Willmar Municipal Utilities (WMU) shall be the administrative agency of the City responsible for conducting the program.
2) To qualify, you must be a current residential, commercial or industrial district heat customer
3) To qualify, the new heating unit shall be 100% (one hundred percent) electric
4) Terms of the loan program are five (5) years at an interest rate of 9% (nine percent)
5) Payment will be due with your monthly utility billing
6) A lien will be placed on your property to ensure full payment
7) If property is sold loan/assessment must be paid in full
8) Customer will solicit quote(s). Quote will consist of the minimum amount of work required to convert to an electric heat source. WMU will pay contractor. Customer, contractor and WMU will enter into an agreement prior to the start of the work
9) If payment due with your monthly utility billing is delinquent, any loan amount outstanding will be submitted to the county and placed as an assessment against your property.
10) If monthly payment is less than the full amount due for your utilities and loan payment, payment will be placed against your utilities first with the remainder of your payment applied to your loan
11) Customer has the option to pay off the remaining loan balance at any time with interest due through the date of pay off
12) Cold Weather Rule is not applicable to the loan amount and if delinquent will be placed as an assessment against your property.
Notice of a Public Hearing on Proposal to Discontinue Willmar Municipal Utilities’ District Heating System

Notice is hereby given that the Willmar Municipal Utilities Commission will hold a public hearing on May 22, 2017, at 11:45 am in the Council Chambers at the Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota, to consider the approval of a resolution to discontinue Willmar Municipal Utilities’ district heating system, effective as of July 1, 2020.

Dated: May 10, 2017
By: John Harren
General Manager
Notice of a Public Hearing on Proposed Financial Assistance Program for Customers of Willmar Municipal Utilities’ District Heating System

Notice is hereby given that the Willmar Municipal Utilities Commission will hold a public hearing on May 22, 2017, at 11:45 am in the Council Chambers at the Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota, to consider the approval of a resolution recommending the establishment of a program to provide financial assistance to residential, commercial and industrial customers of Willmar Municipal Utilities’ district heating system to convert to another type of heat system. The proposed financial assistance program would authorize secured five year loans at 9% interest per annum to finance customers’ costs to convert to an electric heat system. This program is under consideration in connection with a proposal to discontinue the district heating system effective July 1, 2020.

Dated: May 10, 2017
By: John Harren
General Manager
AGENDA ITEM: Presentation on potential workforce housing project

INTRODUCTION/REQUEST: Staff, along with a local housing group, has been working with Commonwealth Development on a 45-unit workforce housing project.

HISTORY: Commonwealth Development has been working on this project for quite some time. The proposed location is in southeast Willmar. The Vision 2040 housing group, representing numerous community members with an interest in housing, has been involved in project discussions.

CURRENT CIRCUMSTANCE: Commonwealth has a purchase agreement for the property in southeast Willmar. A zoning change and conditional use permit are required as part of the land use approval process. Commonwealth wishes to move forward with an application to the Minnesota Housing Financing Agency for tax credits on the project. Other possible financing tools may include tax-exempt bonding, tax increment financing, and possibly waiving sewer and water tapping fees.

RECOMMENDATION: That the City participate in the project with the developer.

ISSUES: As mentioned previously, the primary issues that involve the City will be financial issues. The developer, in the application for tax credits, will require a resolution expressing general support for the workforce housing project. Other support to be requested may include a recommendation for tax exempt financing with the City serving as a bond conduit, as well as tax increment financing. Tapping fees have been calculated in the amount of just over $63,000. All bonds for those improvements have been paid so there is no outstanding financial obligation to the City.

FINANCIAL IMPACT: The financial impact of this project on the City is positive. It will create much needed workforce housing and a significant increase in taxable value on the real estate once the project is complete. The exact impact on the City from participation in various financing tools is yet to be determined. Some estimates are being worked on for tax increment financing. Should the City lend its bonding authority to the project, all costs for the financing will be the responsibility of the developer.
ALTERNATIVE:
1. To express general support for the project and move forward with possible financial assistance.
2. To not support the project.
3. To support the project without local financial involvement.

RECOMMENDED MOTION: To move the project forward by expressing general support and to specify a preliminary commitment to the possible use of municipal bonding authority, tax increment financing, and waiving tapping fees.

REVIEWED BY: Bruce D. Peterson, Director of Planning and Development Services

WORK SESSION DATE: May 15, 2017

COUNCIL MEETING DATE: June 5, 2017
New High Quality Housing Proposed at 1613 15th Street Willmar, MN

Conveniently located near a newly constructed public elementary school, just off of Lakeland Drive and down the street from the YMCA, 15th Street Flats will consist of forty-five units of rental housing in a three-story elevator building with surface parking for two spaces per unit. Each unit will have a one-car garage and some surface parking for guests. The high-quality housing will meet the needs of the growing workforce in Pine City and provide additional options for low-maintenance housing with modern amenities and community space.

In 2015, a Housing Study was completed for the Willmar Lakes Area Vision 2040 by Community Partners Research, Inc which identified a conservative estimated need of 50 units of affordable housing with rent restrictions at 60% area median income and lower. With this need for additional housing, site selection that is location efficient as well as makes good use of existing infrastructure and connectivity to community resources is important. The site is well situated in a neighborhood that has many wonderful resources nearby such as schools, restaurants, coffee shops, groceries, and shopping. The unit mix will be as follows:

8 – 1 Bedrooms
24 – 2 Bedrooms
13 – 3 Bedrooms
45 Total Units

Amenities included will be a fitness center, office, meeting room, playground and community rooms. The building will have a pitched roof design which reflects that of the existing neighborhood. High-end building design and landscaping will enhance the neighborhood. Five of the units will be designated as supportive housing to provide permanent housing with services to the formerly homeless (LTH) and we are requesting project-based rental assistance for those units.

The property will be owned by Commonwealth and managed by the Kandiyohi County HRA. We are requesting that the HRA provide 5 Project Based Vouchers for the LTH Units. We will work with a support service provider to provide the Support Services for these units.

Development Timeline:

- June 15, 2017 – Submission of Application to MHFA for Affordable Housing Tax Credits
- October 26, 2017 – MHFA Affordable Housing Tax Credit Awards are announced
- April 2018 – Start Construction
- February 2019 – Construction completion and occupancy.
Example of 3-story midrise development by Commonwealth Development Corporation in Cloquet, MN called White Pine Apartments.

Enclosures:

Preliminary Site Plan
NEW DEVELOPMENT FOR:
15TH STREET FLATS

COMMONWEALTH
CONSTRUCTION CORPORATION
25 SOUTH MAIN STREET, FOND DU LAC, WISCONSIN 54935
TEL: (920) 922-8170 FAX: (920) 922-8171
info@designinc.com (920) 922-8170
AGENDA ITEM: Wye Project - Language for the Master Cooperative Agreement

INTRODUCTION/REQUEST: Staff is looking for action by the Council to complete its negotiations for the master cooperative agreement.

HISTORY: The City participated in a TIGER grant application which was awarded 10 million dollars by the Federal DOT. The total project exceeds 45 million dollars. The primary partners are the City, County, BNSF Railroad, and MnDOT. The Wye project was to originally include a dual track on the west side of town. Due of funding constraints that has been reduced to a single track.

CURRENT CIRCUMSTANCE: City staff has continued to negotiate with BNSF for language in the Master Cooperative Agreement that would provide some type of trigger for the future construction of the second track. BNSF has been very reluctant to commit themselves to the construction of the second track. BNSF says that the need for a second track will be dictated by operations and demand for that line. City staff approached the negotiations from the standpoint that one of the benefits to the City, as specified in the grant application, was to remove from the City a certain volume of train traffic that moves between the Morris subdivision and Marshall subdivision or from the Marshall subdivision to the Morris subdivision. All of this traffic is to be routed across the wye so that the trains do not have to come into Willmar, reverse direction, and go back out of town. Questions have arisen as to whether a single track is able to handle the demand for the wye. MnDOT has calculated a 12 trains per day theoretical capacity on the wye track. The language that is attached to this form as most recently proposed by BNSF provides a means to meet and take action when that theoretical capacity is exceeded.

RECOMMENDATION: To move forward with the wye project, following Council acceptance of the language regarding the siding.

ISSUES: The Council needs to be convinced that the language adequately represents benefits anticipated by the City from the construction of the wye track. It is important to remember that the number of trains into, and through, the Willmar yard will be reduced due to the project. Also, the wye project provides a switch and spur access to the future expanded industrial park. The re-routed Hwy. 12 will also provide better future access to the industrial park.
FINANCIAL IMPACT: The City has no out of pocket costs in the project other than staff time. The cost to the City will be the value of the right of way for the railroad line and for the relocated Highway 12.

ALTERNATIVE:
1. To approve the language as presented.
2. To offer some changes in the language and direct staff to continue negotiations.
3. To withdraw from participating in the project.

RECOMMENDED MOTION: Due to the amount of time that staff has put into this project and considering that BNSF is in a better position than the City to manage its operations, staff would recommend approval of the language as presented. We believe that, with adequate monitoring and reporting of train traffic, the movement of trains over the wye can be managed so that the traffic the wye is being built to accommodate will use the wye rather than come into the Willmar terminal.

REVIEWED BY: Bruce D. Peterson, Director of Planning and Development Services

WORK SESSION DATE: May 15, 2017

COUNCIL MEETING DATE: June 5, 2017
Gentlemen –

I believe we have language for wrapping up the siding issue. Please see below (old text in blue, April 25 revision in red) the language Paul C. just offered to “bring this issue to closure”.

Your prompt review and response is appreciated.

Gene

BNSF will construct embankment for the rail siding in conjunction with mainline embankment construction. BNSF will report average daily train traffic over the wye on an annual basis for five years following activation of the new rail line. MnDOT has identified a theoretical capacity of the wye track at 12 trains per day. BNSF’s annual reporting on average daily traffic volume enables the public partners to compare actual train activity versus that threshold. In the event annual average daily traffic volume exceeds the 12 trains per day theoretical capacity during the reporting period, the parties agree to meet to discuss the network conditions leading to the threshold being exceeded and, if jointly determined to be necessary, implement operational or other measures to direct movement of train traffic between the Morris and Marshall Subdivisions over the wye rather than the Willmar Terminal.
Willmar Rail Connector & Industrial Park Access Project
(Willmar Wye)
Alternative 2B

Date: 10/5/2016
AGENDA ITEM:
Project No. 1703-A Consideration of Cooperative Construction Agreement

INTRODUCTION/REQUEST:
Approval of the cooperative construction agreement with Kandiyohi County for Project No. 1703-A.

HISTORY:
Project No. 1703-A calls for the overlay of Lakeland Drive SE from Willmar Avenue to TH No. 12, including some curb and gutter and turn lanes.

CURRENT CIRCUMSTANCE:
The funds to be contributed by Kandiyohi County in the agreement for the project will partially fulfill their turn back obligations. The County would be contributing reimbursement of the cost of installing milling of bituminous pavement and paving Type SP 9.5 wearing course mix.

RECOMMENDATIONS:
Approve the cooperative construction agreement with Kandiyohi County in the amount of $100,000 for Project No. 1703-A.

ISSUES:
N/A

FINANCIAL IMPACT:
The funding associated with the project includes County funds, State Aid funds, local assessments and utilities funds.

ALTERNATIVES:
1. If bids are rejected for project, pull this agenda item.
2.
RECOMMENDED MOTION:
Approve the cooperative construction agreement with Kandiyohi County in the amount of $100,000 for Project No. 1703-A.

REVIEWED BY: Ike Holland, City Administrator

WORK SESSION DATE: May 15, 2017

COUNCIL MEETING DATE: June 5, 2017
Resolution No._______

A RESOLUTION AUTHORIZING ENTERING INTO A COOPERATIVE CONSTRUCTION AGREEMENT BETWEEN THE CITY AND KANDIYOHI COUNTY FOR PROJECT NO. 1703-A.

Motion By:______________ Second By:______________

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Cooperative Construction Agreement between the City of Willmar and Kandiyohi County for the improvement project of Lakeland Drive SE included in Project No. 1703-A.

Dated this 15th day of May, 2017

__________________________
Mayor

Attest:

__________________________
City Clerk
CITY OF WILLMAR & KANDIYOHI COUNTY
COOPERATIVE CONSTRUCTION AGREEMENT
SAP 175-152-007 (LAKELAND DRIVE SE)
IMPROVEMENT PROJECTS

THIS AGREEMENT, made this _____ Day of _____________, 2017, by and between the CITY OF WILLMAR, MINNESOTA, party of the first part, hereinafter known as CITY and the COUNTY OF KANDIYOHI, MINNESOTA, a party of the second part, hereinafter known as COUNTY, WITNESSETH:

That the parties to this agreement, each in consideration of the agreement on the part of the other herein obtained, do hereby agree, the CITY for itself, and the COUNTY for itself, as follows:

State Aid Project (SAP) 175-152-007, Improvement Project

THIS agreement shall apply only to improvement of that part of Municipal State Aid Road No. 175-152 (LAKELAND DRIVE SE) from Willmar Avenue SE to TH No.12 as detailed in the SAP No. 175-152-007 Improvement Plans for said project.

Administration of the Project
The COUNTY agrees that the CITY shall hereafter act as the agent of the COUNTY in the award and administration of the contract for SAP No. 175-152-007 Improvement Plans.

Estimated Construction Costs
Estimated bid construction costs incurred are as shown in Exhibit A, which is attached to and made part of this agreement.

City Costs
The CITY agrees to finance, with its own funds, all items shown on the plan for SAP No. 175-152-007, but excluding the cost of county construction items as provided in the following paragraph. The City also agrees to provide with its own funds for design and construction engineering services for County and City.

County Costs and Payments
The COUNTY agrees to reimburse the CITY $100,000.00 for the cost of the furnishing and/or installing milling of bituminous pavement and paving Type SP 9.5 wearing course mix.

The COUNTY further agrees that upon presentation of reimbursable costs certified to the COUNTY by a CITY generated Request for Payment; the COUNTY shall make payment to the CITY within 30 days.
Designated CITY/COUNTY Representatives

The City of Willmar Public Works Director shall be the designated CITY representative to approve any needed modification of work shown in the Plans during construction of the project. This includes the increase or decrease in quantities needed to accomplish the work or a change in the work requiring a Change Order. The Kandiyohi County Public Works Director shall be the designated COUNTY representative to approve any needed modification of the Plans affecting County costs requiring a Change Order.

CITY AND COUNTY APPROVAL

IN TESTIMONY WHEREOF, the County of Kandiyohi, by the authority of the Board of Commissioners, and the City of Willmar, by the authority of the City Council, have caused this agreement to be enacted, the day and year first written above.

CITY OF WILLMAR

Date: _____________________________

BY: _______________________________    BY: _______________________________
     City Mayor                        City Administrator

Approved as to Form and Execution this _____ day of _____________________, 2017

_____________________________________, City Attorney

COUNTY OF KANDIYOHI

Date: _____________________________

By: _______________________________    BY: _______________________________
     Chairman of County Board          County Auditor/ Treasurer

Approved as to Form and Execution this _____ day of _____________________, 2017

_____________________________________, County Attorney
### Exhibit A

**Lakeland Dr Improvements SAP 175-152-007**

**City of Willmar, MN**

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**Total Amount Bid:** $707,880.59

*Kandiyohi County Maximum funding for SAP 175-152-007 is $100,000.00*