



CITY OF WILLMAR

Planning and Development Services
City Office Building
333 SW 6th Street
Willmar, MN 56201
320-235-8311

COUNCIL ACTION REQUEST

DATE: July 13, 2016

SUBJECT: Storm Water Compliance Officer/Permit Assistant Position

RECOMMENDATION: To authorize the filling of a Storm Water Compliance Officer/Permit Assistant position. (see position description)

BACKGROUND: Storm water management has become an increasingly important municipal function. The City of Willmar is very much engaged in dealing with storm water issues due to our classification as an MS4 community. As an MS4 community, we have responsibilities and legal obligations to manage not just our local storm water Ordinance but to enforce compliance with State driven MS4 requirements. To allow the City to more effectively deal with storm water compliance issues. It is recommended that the position of Storm Water Compliance Officer/Permit Assistant be created. The position is proposed to oversee all facets of storm water compliance at the residential/commercial/industrial construction levels. Sites will need to be reviewed and approved for compliance using an internally developed storm water checklist. This position will also be required to document and file site inspection findings, issue non-compliance orders, and reinspect for corrective action. The position will monitor for compliance with all aspects of the City's MS4 permit minimum control measures. It is also expected that this position would issue excavation permits, and assist in pond and wetland inspections. The position will also be cross trained with some of the building permitting procedures regarding permit issuance, field inspections and document management.

FINANCIAL CONSIDERATION: The attachment provides an overview of the financial implications of the new position, including the cost of the position with salary and benefits. The financial discussion must also include the cost of bumping under the AFSCME contract if the position is not created. The costs of the bumping are manifested in additional training at each position in the bumping process. The number that is not calculated is that of loss of productivity and reduced customer service. Unemployment benefits also need to be taken into consideration and, depending upon where the bumping process would stop, unemployment liability for the City would range from \$9,900 to over \$13,300.

Compliance with storm water regulations prevents cost for municipalities. Recent citations and fines for storm water violation in Minnesota range from \$1,600 to \$20,000 per incident. Because Willmar is an MS4 City, the process will be held to a higher standard and fines could be higher if it is determined the City didn't properly administer its storm water process.

LEGAL: There is no legal requirement for the City of Willmar to fill a specific Stormwater Compliance Officer position. It is in the best interest of the City to do so in that we have obligations under the State law and Municipal Ordinance to prevent storm water violations and to work aggressively in those instances where violations have occurred to secure timely and proper mitigation.

DEPARTMENT/RESPONSIBLE PARTY: Bruce D. Peterson, AICP – Director of Planning and Development Services

Storm Water Compliance Officer/Permit Assistant

Position Title: Storm Water Compliance Officer/Permit Assistant

Department: Public Works/Engineering

Department Head: Public Works Director

Immediate Supervisor: Assistant City Engineer

Pay Range: 5 **FLSA Status:** Non-exempt

APPROVED: _____
REVISED: _____
REVISED: _____
REVISED: _____

Purpose

Performs limited construction plan review and permitting. Performs a variety of field and office work necessary to implement and ensure compliance with the City's storm water management plan and state requirements. Assists with rental and zoning ordinance enforcement.

Organizational Relationships

Reports to: Assistant City Engineer

Communicates with: *Internally* – City Administrator, other Department Directors, Administrative Assistant, City Attorney, Mayor and City Council, Department staff, other City personnel;

Externally – MPCA, Municipal Utilities staff, MN Departments of Public Safety and Health, MN State Building Code Division, architectural firms, County offices/personnel, contractors, property owners and general public.

Supervises: None

Essential Functions:

1. Storm Water Code Enforcement
 - a. Perform regular site visits to all construction within the City for verification of compliance with the City's storm water code enforcement program.
 - b. Issue warnings and citations for storm water violations, and complete follow-up as needed for investigative reports outlining violations and recommendations for prosecution.
 - c. Implement and maintain construction project tracking and storm water violation tracking with multiple department staff.
 - d. Monitor construction sites for compliance with storm water ordinances and other City regulations.
 - e. Maintain records relative to inspections, enforcement activities, and field data collection.
 - f. Remain current with regulatory requirements and training.
2. Permitting Assistance
 - a. Issue and track right-of-way permits.
 - b. Assist with rental housing ordinance permitting, inspections, and record keeping.

Other Duties and Responsibilities:

Performs other related duties as assigned by supervisor or as apparent. May include a variety of inter-departmental tasks related to position skill set (zoning inspections, right-of-way permitting, pond/wetland inspection).

Machines, Tools and Equipment Used:

City vehicles and office equipment such as telephone, computer, calculator, fax and copier.

Storm Water Compliance Officer/Permit Assistant

Position Title: Storm Water Compliance Officer/Permit Assistant
Department: Public Works/Engineering
Department Head: Public Works Director
Immediate Supervisor: Assistant City Engineer
Pay Range: 5 **FLSA Status:** Non-exempt

<i>APPROVED</i> _____
<i>REVISED:</i> _____
<i>REVISED:</i> _____
<i>REVISED:</i> _____

Required Knowledge, Skills and Abilities:

- Working knowledge of applicable federal and state statutes, City ordinances, departmental policies and procedures, and relevant reference materials.
- Knowledge of the Department's structure and operation and City's overall structure.
- Attention to accuracy and detail.
- Effective written and oral communication skills.
- Skilled in a variety of computer software applications such as Outlook, Excel, Word, etc.
- Ability to work effectively with the public, contractors, regulatory agencies and staff.
- Skilled in assembling data and preparing accurate records and reports.
- Skilled in organizing and managing work flow.

Minimum Qualifications

High school degree and post-secondary clerical/technical training. Minimum of two years of experience in real estate, construction, planning, regulatory environment, or related office environment. Relevant field experience.

Working Conditions

Work is performed indoors in a typical office setting and outdoors. Operates a City vehicle for regular transportation needs. Sits for extended periods of time. Stands, walks, and performs a variety of physical movements while conducting field inspections. Noise in work place is usually quiet but may be exposed to louder noises at work sites. Uses large and fine motor skills. Uses different types of vision and hearing to perform field and office work.

July 7, 2016

1. COST OF NEW POSITION

New position – Grade 5
Salary plus benefits - \$61,692

2. COST OF BUMPING

Multi-departmental training for changing positions estimated at \$77,500 based on industry standards of 50% of salary.

Unemployment benefits ranging from \$9,932 to \$13,307 depending on where the bumping stops.

The unknown number is the cost of lost productivity and reduced customer service.

3. COST OF STORM WATER NON-COMPLIANCE

Recent citations and fines by MPCA for storm water violations range from \$1,600 to \$20,000, based on the severity of the violation. Both private businesses and public entities are subject to enforcement and fines.



WILLMAR

PLANNING AND DEVELOPMENT SERVICES

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MEMO

TO: Larry Kruse, City Administrator

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

DATE: July 6, 2016

RE: **Position Description Evaluation for Stormwater Compliance Officer/Permit Assistant**

On July 6, 2016 the Employee Compensation Review Committee met to consider and evaluate the tentative position of Stormwater Compliance Officer/Permit Assistant. The result of the evaluation is that the position scores 205 points under the City's system. This score places this position in a pay grade 5.

Staff continues to work on the financial analysis requested by the Council, and with this evaluation and scoring will have the position ready for further consideration at a future Labor Relations Committee Meeting.

If you have any questions, please contact me at your convenience.

Date: Friday, July 08, 2016

From: Kevin Halliday

Re: Risk Management

The proposed City Clerk job description calls for a non-exempt, non-director, non-supervisory job. This will entail a placement in the AFCSME General Unit requiring the payment of overtime. Estimated overtime will be twenty four council Meetings with the Clerk opening the doors for set up at 6:10 pm and staying a minimum of 15 minutes post meeting by current practice. Calculating an average of 3.25 hours per meeting totals 117 hours per year at the normal pay scale (3.25 hrs X 24 meetings X 1 ½ overtime pay). Attendance at 16 to 18 annual Willmar Fests meetings generally starting at 5:00 pm and sometimes going until 7:00 pm plus lockup would also total 38 to 45 hours per year. Attendance at MCFOA Annual Conference would follow current rules of only paying 8 hours for the 11 hour days. Various other assignments like the upcoming BCBS efforts to improve Willmar Health concerns (a Vision 2040 activity) calling for evening meetings should be budgeted.

The current job description does not include Risk Management duties such as: a) File and monitor property, liability and automotive claims with insurance trust staff, b) Develop strategies regarding risk areas and recommend to City Administrator whether to purchase insurance to avoid the risk or self-insure and absorb the risk, and c) Recommend reserve amounts and deductible levels. Past history shows that ongoing review of risks with changing court cases and changing regulations requires vigilance in addressing new concerns. This review as assigned accounted for late 1980's insurance premiums costing the city \$225,000 per year and reducing the premiums to \$137,000 per year three decades later with various self-insurance funding of known risks. This task for the "jurisdiction" garners points and should be detailed if required of the individual.

Other tasks such as Transit operations (24 Central Community Transit meetings per year), Convention & Visitors Bureau attendance (24 annual meetings per year as an assigned member to the Executive Committee) and Willmar Fests Community Celebration planning should be detailed in the job description. * Ordinance No. 967 requires the City Clerk-Treasurer to administer and enforce the assessment and collection and by the Operation guidelines with the Willmar Area Chamber of Commerce the City Clerk is directed to attend all meetings. Clarity is needed since the Council is now splitting the Treasurer duties from the City Clerk duties.

CITY CLERK

Position Title: City Clerk
Department: Administration
Department Head: City Administrator
Immediate Supervisor: Same
Pay Range: ? **FLSA Status:** Non-Exempt

<i>APPROVED:</i> April 5, 2000 <i>REVISED:</i> <i>REVISED:</i> <i>REVISED:</i>

Purpose

The City Clerk is responsible for developing programs and procedures for management of the City's vital records, serves as secretary to numerous committees, coordinates City elections, manages City licensing and provides administrative support.

Organizational Relationships

Communicates with: *Internally* - City Administrator, other department directors, City Council, Administrative Assistant; *Externally* other City Clerks, League of MN.
Supervises: Clerk/Secretary/Receptionist.

ESSENTIAL FUNCTIONS

- Serving as official record keeper for the City; overseeing the maintenance of official City records including ordinances, resolutions, City Council Action reports, agendas and minutes; overseeing the posting and advertising of public notices and meetings; and maintaining the City Code.
- Oversees the data practices requirements under Minnesota Statute for all departments. Serve as Compliance Official pursuant to Minnesota Data Practices Act to administer the requirements for collection, storage, use and dissemination of data maintained by the City.
- Implements the records management system and ensures the proper storage of all records to assure compliance with state and federal statutes. Responsible for training, implementation, operation and maintenance of the City's document imaging system.
- Receives and verifies petitions on public improvement projects, arranges for public hearings, and drafts legal notices.
- Monitor daily receipt of revenues for code compliance, deposit receipts in local banking institution.
- Responsible for local and general elections, including training of judges, preparation of ballots and facilities, and coordination with the County Auditor and Secretary of State.
- Record and certify ordinances and resolutions; keep the City Seal; attest all legal documents, including ordinances, resolutions, contracts, agreements, etc.
- Conduct City auction of surplus goods.
- Conduct bid letting in accordance with applicable laws and City requirements.
- Manages issuance of City licenses/permits and authorize the issuance of the license/permit if compliant with laws and ordinances.
- Approve forms for licenses and permits and enforce/rectify violations with license ordinance.

CITY CLERK

- Assist the public and City staff by providing specific and/or general information requiring interpretation of policies, procedures, precedents, rules and regulations, including federal, state, and local laws as applicable to the operation of the City and/or the Office of the City Clerk.
- Accepts and verifies petitions; administers assessment records process; certify approved assessment rolls with the County; prepare searches; process payments; calculate and recertify assessment redistributions; respond to inquiries; maintain records of active, pending and deferred-reduced assessments; prepare documents for council approval and abatements.
- Ensures proper publishing and posting of all notices required by law.
- Performs the City Clerk duties identified in the City Charter.
- Performs other related duties as assigned by Supervisor or as apparent.

Required Knowledge, Skills, and Abilities

- Knowledge of overall City structure and operations, policies and procedures, and ability to understand/use the municipal code and ordinances, the city charter, and applicable federal/state laws/rules/regulations.
- Knowledge of, and ability to apply, state election laws.
- Knowledge of Parliamentary procedure and rules of the Council.
- Knowledge of relevant state, federal and local regulations affecting local governments.
- Knowledge of bid laws and assessment policy and practices needed.
- Knowledge City code, charter and personnel and administrative policies.
- Skill in complying with the requirements of the state's data practices act, open meeting law and following applicable federal and state records retention schedules.
- Knowledge of City Council procedures, practices, and responsibilities.
- Knowledge of business English, spelling, punctuation, and office practices/procedures.
- Ability to compile/assemble data and prepare accurate records/reports.
- Skill in communicating verbally and in writing.
- Skill in operating computer programs and office equipment.
- Ability to understand and follow orders and written instructions
- Ability to plan and organize projects, schedules, and work activities.
- Ability to work independently and with other departments.
- Skill in operating computers and information technology equipment.
- Ability to handle confidential information with appropriate level of discretion.

Machines, Tools and Equipment Used: Computer and printer, calculator, dicta-phone, voting scanner, copier and telephone.

Minimum qualifications

Bachelor's degree in Public Administration, Business or closely related field **and** five years of related experience. An equivalent amount of training and experience may be considered.

CITY CLERK

Desirable Qualifications

- Minnesota Certified Municipal Clerk (MCMC).
- IIMC Certified Municipal Clerk (CMC).
- Experience serving as a City Clerk or Deputy City Clerk.
- Experience with computer technology as it relates to records management, elections and licensing.

Special requirement:

- Must be a Certified Municipal Clerk or be willing to attend training to obtain certification within three (3) years.
- Must be bondable.
- Must be able to acquire a notary public certification.

Working Conditions

Work is performed in typical office setting. Sits for extended periods of time using computer and other visual activities. Uses fine motor skills.