

City of Winsted
City Council Meeting
Council Chambers
Tuesday, January 2, 2018
6:00 p.m.

Present: Mayor Steve Stotko
Council Member Mike Henrich
Council Member George Schulenberg
Council Member Tom Ollig

Absent Council Member Patty Fitzgerald

Staff Present: Mr. Dan Tienter, City Administrator
Ms. Raquel Kirchoff, City Clerk-Treasurer
Mr. Justin Heldt, Winsted Police Department Chief
Mr. Dave Meyer, Maintenance Supervisor

1) Mayor Stotko called the meeting to order at 6:00 p.m.

- a) The Winsted Boy Scouts, Troop #399 provided the Presentation of the Colors.
- b) The Pledge of Allegiance was taken.

2) Consent Agenda

Mayor Stotko read the Consent Agenda.

a) Minutes – City Council – Special City Council Work Session – November 2, 2017

Approved the minutes of the City Council Work Session on November 2, 2017.

b) 2018 Appointments

Approved the City of Winsted's 2018 official appointments.

c) City Council Goal Setting Session – Tuesday, January 23, 2018

Scheduled a City Council Goal Setting Session for Tuesday, January 23, 2018 at 9:00 a.m. in the Vollmer Room at Winsted City Hall.

d) Municipal Delegation Application

Authorized the City Administrator to execute a Municipal Delegation Agreement Application, authorizing Metro West Inspection Services, Incorporated, to conduct Building Code Administration on Public Buildings and State Licensed Facilities for the City of Winsted.

e) Banyon Data Systems – Payroll Timecard Interface Proposal

Authorized the City Administrator to execute a proposal with Banyon Data Systems for the purchase of a Payroll Timecard Interface, installation, and training for an amount not to exceed \$3,390.00.

f) Claims

Approved the claims list for January 2, 2018.

g) Resignation – Winsted Police Department

Accepted the voluntary resignation of Mr. Andrew Lundeen as a part time police officer with the Winsted Police Department.

h) 2017 Audit

Authorized the Mayor to execute an agreement with Conway, Deuth and Schmiesing to conduct an audit of the City of Winsted's financial statement for the year ending December 31, 2017, for an approximate cost of \$30,500.

Council Member Ollig motioned to adopt the Consent Agenda as presented. Council Member Schulenberg seconded the motion. Motion carried 4-0.

3) Public Hearings

a) Ordinance O-18-01 – Recommended 2018 Fee Schedule

Mr. Tienter reviewed the process for establishing a fee schedule for the City of Winsted. He stated that some of the fees are set at the discretion of the City Council and that some are set by City Ordinance. Mr. Tienter further stated that others are set by Minnesota State Statute.

Mr. Tienter stated that in setting the fees, comparisons are done with other municipalities and a review of the services rendered by the City is conducted to determine if modifications need to be made along with consideration of the direction of the Council. Mr. Tienter stated that after these processes, a general increase is recommended based on the rate of inflation. Mr. Tienter stated that for 2018 a 2% general increase is recommended.

Mr. Tienter stated that the following fees were increased beyond the 2% general increase:

- Planning and Zoning
 - A general increase of 5.88% to reflect a change in planning consultant rates
- Sewer:
 - Sewer Rate, Per 1,000 Gallons, from \$11.39 to \$12.53;
 - Sewer Rate, Minimum, Per Month, from \$9.01 to \$9.92;
- Police:
 - Vehicle Impound Fee, from \$0.00 to \$100.00;
 - Vehicle Storage Fee – Impound, Per Day, from \$0.00 to \$2.00;
- General:
 - Early Payment Request Fee - 1% or \$5.00, whichever is greater
 - Fire Permit Fee – from \$25.00 to \$50.00 to cover the cost of staff time to process these permits.

Mr. Tienter stated the Recommended 2018 Fee Schedule was reflected in the 2018 Budget which was previously approved by the City Council session.

Council Member Ollig motioned to open the Public Hearing at 6:09 p.m. Council Member Schulenberg seconded the motion. Motion carried 4-0.

No public comments were received.

Council Member Ollig motioned to close the Public Hearing at 6:09 p.m. Council Member Schulenberg seconded the motion. Motion carried 4-0.

Council Member Henrich motioned to adopt Ordinance No. O-18-01 establishing the 2018 Fee Schedule for the City of Winsted. Council Member Schulenberg seconded the motion. Motion carried 4-0.

4) No Old Business

5) New Business

a) Ordinance O-18-02- Public Nuisance Ordinance, Section 1603.004.D Amendment

Mr. Tienter stated that the City received a complaint regarding a violation of the Noise Ordinance. The City attempted to investigate it and in that process discovered that the Noise Ordinance was too vague for enforcement. City staff opted to interpret the noise using guidance from the Minnesota Pollution Control Agency (MPCA) which proved to be a successful vehicle for enforcing the ordinance. City staff has also researched how other communities enforce regulations regarding noise. What is recommended to the City Council is to adopt the guideline titled Minnesota 70-30 as the Noise Ordinance for the City of Winsted. The rule and the guidance that is provided by the

MPCA establishes noise classifications based on use and then uses objective limits to understand what constitutes noise pollution through decibel level.

Mr. Tienter stated that the most significant change if the City Council adopts this Ordinance would be that the impermissible hours for noise would shift from 9:00 p.m. to 6:30 a.m. to 10:00 p.m. to 7:00 a.m. The proposed recommendation adopts by reference all of the State guidance regarding noise pollution.

Mr. Tienter stated that during a City Council Work Session, Council Member Fitzgerald asked a question about whether or not there could be some type of regulation promulgated through ordinance for "consistent or habitual noise". An example that was given was if someone was emptying a dumpster at an impermissible hour every night, day after day. After consulting with the City Attorney, City Staff is actually recommending not to include any language to that effect. That language has similar vagueness with regard to enforceability as the ordinance that we are recommending to amend.

Mr. Tienter stated that City staff could always work with someone that had consistent habitual noise on a case by case basis. Almost all of the businesses or individuals that are creating such noise have been agreeable to modifying their operation or changing their behavior.

Mr. Tienter stated that given the enforcement challenges, given the legal research that has been done to date as well as comparative research with other municipalities, and meetings with the noise complainants there is a widespread consensus for a more objective noise standard. City staff believes the proposed amendment meets the need and recommends its adoption.

Council Member Ollig asked if there were comments received from the public since the City Council Work Session on December 19, 2017. Mr. Tienter stated no. He continued by stating that Mr. Justin Heldt, Winsted Police Chief spoke with some of the businesses after that Work Session about the comments of habitual noise and correcting that.

Council Member Henrich asked Mr. Heldt if he had any issues with the enforcement of the amendment as written. Mr. Heldt stated not at this time; however, the City has not been able to use it to enforce the noise ordinance yet. He continued by stating that he likes that it will provide guidelines. Currently the ordinance is vague and it is hard for one person to determine what exactly a violation is compared to another person. The amendment has specific standards that will help to determine what a violation is.

Mr. Heldt stated that he spoke to four businesses regarding the noise complaints and they have all been receptive to doing what they can to reduce the noise.

Mayor Stotko stated that the City purchased a decibel meter. Mr. Tienter added that the Police Department conducted some on site investigations and the City purchased a decibel meter to help understand the exact level of noise that was being emitted by the businesses in question.

Council Member Schulenberg motioned to adopt Ordinance number O-18-02 amending Section No. 16-03-004.D of the Winsted Municipal Code. Council Member Henrich seconded the motion. Motion carried 4-0.

6) Department Report

a) Winsted Public Works Department.

Mr. Dave Meyer, Maintenance Supervisor, reported on the following activities that have occurred since July 5, 2017 within the Public Works Department.

- Watered flowers often in the downtown area
- Removed dead trees in Hainlin Park and trimmed many trees in the park
- Painted all crosswalks in the city and all parking lines downtown
- Removed rocks from around the flag pole at Mill Reserve Park and replaced with dirt and flowers
- Installed new edging around the playgrounds in Hainlin Park
- Installed three pet waste receptacles in different parks and the promenade
- Completed much painting in both well houses

- Set up for the Winsted Summer Festival
- Checked parks and emptied garbage
- Installed flags for holidays and festivals
- Hauled in aggregate limestone for three park ball fields
- Deliver water notices monthly
- Complete many water tests for the Minnesota Department of Health
- Sprayed parks for weeds
- Attend monthly safety meetings
- Sidewalk replacement and a driveway installed at Mill Reserve Park
- Street sweeping
- Winterized all parks
- Placed holiday banners and decorations
- Serviced trucks and prepared for snow plowing

Mr. Meyer stated that Christmas trees may be brought to an area outside of the Public Works building for disposal.

7) No Open Forum

8) City Administrator Updates and Announcements

a) 2017 Audit

Mr. Tienter stated that the 2017 Audit will begin on January 10, 2018 where auditors will be at City Hall for preliminary audit work.

b) City Council Goal Setting Retreat - January 23, 2018

Mr. Tienter stated that the City Council will hold a Goal Setting Retreat on January 23, 2018 in the Vollmer Room to begin at 9:00 a.m.

9) Adjournment

Council Member Ollig motioned to adjourn the meeting. Council Member Henrich seconded the motion. Motion carried 4-0.

The meeting was adjourned at 6:26 p.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Raquel Kirchoff

Raquel Kirchoff
City Clerk-Treasurer
City of Winsted