

City of Winsted
City Council Work Session
Lewis Room
Tuesday, March 4, 2014
5:00 p.m.

Present: Mayor Steve Stotko
Council Member Bonnie Quast
Council Member Tom Ollig
Council Member George Schulenberg
Council Member Max Fasching

Staff Present: Mr. Clay Wilfahrt, City Administrator
Ms. Deborah R. Boelter, City Clerk-Treasurer
Mr. Justin Heldt, Winsted Police Department Acting Chief

I. Call to Order

Mayor Stotko called the meeting to order at 5:00 p.m.

II. C-1 Commercial District Ordinance Discussion

Mr. Wilfahrt stated that staff was recently made aware of a church that has moved in to a building at 182 Main Avenue West. The building is in a C-1 Commercial District according to the City's Zoning map.

Mr. Wilfahrt stated that he reviewed the City's Zoning Ordinance, and has concluded that the Ordinance does not currently allow churches as a permitted or conditional use in C-1 Commercial Districts. Therefore barring a change in the Ordinance, the church is out of compliance with City Zoning Ordinances.

Mr. Wilfahrt stated that there are several options to consider. First, the City could send the building owner a letter indicating that the building is not in compliance. The letter could state a timeline for the owner to comply, or face penalties as stated in the Ordinance. This option would solve the compliance problem; but, it also displaces the church and creates a vacancy in the downtown area.

Mr. Wilfahrt stated that the City could also change the Zoning Ordinance to allow churches in the downtown area. Zoning is typically used to keep similar properties together, and churches are often seen as dissimilar to businesses since they are only occupied for a small part of each week. Staff reviewed the ordinances of ten (10) communities and found two (2) that allow churches in the zoning district comparable to Winsted's C-1 Commercial District.

Mr. Wilfahrt stated that he discussed the C-1 Zoning Ordinance with the City Attorney, Mr. Fran Eggert and the following was determined:

1. The City will need to respond this zoning violation according to our Zoning Ordinance. Failing to do so would mean that anyone who was or is treated differently can make a claim against the City.
2. Our current Ordinance is arguably illegal under the Religious Land Use and Institutionalized Persons Act (RLUIPA). According to RLUIPA, the City must treat religious institutions at least as well as non-religious organizations. That means that if we allow clubs, fraternal organizations, meeting halls and other places of assembly in a zoning district, we must allow churches as well.

Our current Ordinance states that the City allows private clubs and lodges to occupy space in C-1 Zoning. In order to be compliant with the RLUIPA, the City will need to either allow churches to occupy space in C-1 Zoning as well or remove private clubs and lodges from permitted uses. Basically, enforcing the law the City has now could be argued to be unlawful. Therefore, before making a decision on how to handle the current situation with the church, staff recommends that the City's Planning Commission review

the Zoning Ordinance. This will allow the City to avoid making a decision now that does not comply with our Ordinance once it is reviewed and changed.

Council Member Ollig recommended that City staff contact the property owner of 182 Main Avenue West to inform them that the City is reviewing our Zoning Ordinance in regards to churches located in the C-1 Commercial District. Mr. Wilfahrt stated that he did contact one (1) of the property owners and the conversation went well and he understood.

Council Member Schulenberg asked Mr. Wilfahrt if he had notified the church having services in the building located at 182 Main Avenue West in regards to the Zoning Ordinance. Mr. Wilfahrt stated that he had not contacted the church.

The City Council discussed and directed Mr. Wilfahrt to have the Planning Commission review the matter at their April, 2014 meeting.

III. Background Check - Winsted Police Department's Chief of Police Finalist

Mr. Wilfahrt stated that as part of the hiring process for the Chief of Police, staff will need to conduct a background check on the candidate selected for the position. Staff received two (2) quotes for the service:

- ✓ Gibbs and Associates \$1,380 - \$2,300
- ✓ Gleason and Associates \$1,700 - \$1,900

Mr. Wilfahrt stated that staff has worked several times in the past with Gibbs and Associates and has had very good results. Staff has not worked with Gleason and Associates. Gibbs and Associates also indicated that since the candidates will probably be higher caliber than typical because of the stature of the position, the cost of a background check will likely be on the lower end of the scale.

Mr. Wilfahrt stated that since the costs are comparable, and given the good experience staff has had in the past with Gibbs and Associates, he is recommending that the City Council authorize staff to use Gibbs and Associates to conduct a background check on the top candidate as selected by the committee conducting final interviews. He continued by stating that this item is on the Consent Agenda for approval at tonight's Regular City Council meeting.

The City Council discussed and were in agreement that Mr. Wilfahrt should have Gibbs and Associates conduct the background check.

Council Member Ollig asked if the background check is going to be completed on two (2) finalists. Mr. Wilfahrt recommended that the background check be completed on the first finalist and if there would be an issue with that candidate, the City could have a background check completed on the next finalist.

IV. Littfin Lift Station Generator

Mr. Wilfahrt stated that in June of 2013, a major storm event overwhelmed several of Winsted's lift stations. As a result of the storm event, the City began exploring the possibility of purchasing generators for several of the lift stations to help maintain functionality during major storms.

Mr. Wilfahrt stated that generators would allow the lift stations to operate without power. Currently the Littfin Lift Station can only operate for two (2) hours without power. At the September 17, 2013 City Council Work Session, the City Council discussed purchasing generators and showed interest in purchasing the generator for the Littfin Lift Station.

Mr. Wilfahrt stated that in the fall of 2013, the City's engineering firm, Bolton and Menk, Incorporated, requested bids for the Littfin generator and received four (4) bids with the lowest for \$87,600. With a few minor changes and a change in timing, Bolton and Menk, Incorporated was able to lower the total bid price in this round of bidding to \$81,400 for a total savings of \$6,200.

Mr. Wilfahrt stated that the City is required to keep a six (6) month reserve fund and the City also has reserves in addition to the six (6) month required reserves. The \$81,400 for this project will come out of the additional reserves.

The City Council discussed and agreed to move forward with the project.

V. Other

a) Social Host Ordinance

Mr. Wilfahrt stated that he had received several questions from City Council members in regards to the proposed Social Host Ordinance; so, he said he would like to discuss it before tonight's Regular City Council meeting.

Mr. Wilfahrt stated that the purpose of the Social Host Ordinance is to hold accountable people who host parties where there is known consumption of alcohol by people who are under the age of twenty-one (21).

Mr. Heldt was in attendance at the Work Session to answer questions and provide clarification in regards to the proposed Social Host Ordinance.

The City Council discussed their concerns with the proposed Social Host Ordinance.

The City Council directed Mr. Wilfahrt and Mr. Heldt to contact the City Attorney, Ms. Jody Winters, to discuss some of the wording in the proposed Ordinance.

b) Post for Possible City Council Quorum – March 18th, 2014

Ms. Boelter stated that she will be posting an official notice for a possible City Council quorum at the Winsted Area Chamber of Commerce's informational meeting being held on Tuesday, March 18, 2014 at 12:00 noon in the Vollmer Room at City Hall.

c) Winsted Lions Club

Council Member Schulenberg asked the City Council to contact him with any events and/or organizations that may need some minimal financial assistance. He continued by stating that the Winsted Lions Club has funding available to donate.

VI. Adjourn

Council Member Ollig motioned to adjourn the meeting. Council Member Fasching seconded the motion. Motion carried 5-0.

The meeting was adjourned at 5:45 p.m.

Steve Stotka

Steve Stotka
Mayor
City of Winsted

ATTEST:

Deborah R. Boelter

Deborah R. Boelter, MCMC
City Clerk-Treasurer
City of Winsted