

City of Winsted
City Council Meeting
Council Chambers
Tuesday, November 17, 2015
6:00 p.m.

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

Staff Present: Mr. Dan Tienter, City Administer
Ms. Deborah R. Boelter, City Clerk-Treasurer
Mr. Justin Heldt, Winsted Police Department Chief

1) Mayor Stotko called the meeting to order at 6:05 p.m.

a) The Pledge of Allegiance was taken.

2) Consent Agenda

Mayor Stotko read the Consent Agenda.

a) Winsted Volunteer Fire Department Firefighter Resignation – Mr. Gerald Heinen

Accepted the resignation of Mr. Gerald Heinen from the Winsted Volunteer Fire Department effective October 16, 2015.

b) Road Closure Request – Lewis Avenue West – Saturday, December 5, 2015

Approved a request for road closure on Lewis Avenue West, from 3rd Street South to the west, from 8:00 a.m. - 3:00 p.m. on Saturday, December 5, 2015, for the Winsted Vintage Snowmobile Show, as approved by the Winsted Police Department.

c) Parade Permit – Winsted Winter Festival

Approved a lighted parade sponsored by the Winsted Winter Festival on designated streets in the City of Winsted, as approved by the Winsted Police Department, on Saturday, December 5, 2015.

d) Swap Meet – Winsted Winter Festival

Approved a Swap Meet for the Winsted Vintage Snowmobile Show on Saturday, December 5, 2015.

e) Hay Ride Permit – Winsted Winter Festival

Granted a Hay Ride Permit to the Winsted Winter Festival for Saturday, December 5, 2015 from 11:00 am . 2:00 pm with the designated route as submitted to the Winsted Police Department.

f) Ordinance O-15-13 – Sign Ordinance Amendments

Adopted Ordinance O-15-13 Amending City Code Chapter 15, Section 1501.023 Signs as recommended by the Winsted Planning Commission.

g) Assessment Certification of Abated Blight Properties - Resolution R-15-46

Adopted Resolution R-15-46 certifying the charges for the abatement of blighting conditions and levying it as a special assessment to certain Winsted properties.

h) Year 2016 Assessment Agreement – McLeod County Assessor

Approved the year 2016 Assessment Agreement between the City of Winsted and the McLeod County Assessor for \$11,634.00.

i) Security Bank and Trust Company – Pledged Securities

Approved the Pledged Securities that Security Bank and Trust Company has purchased for the City of Winsted for the month of October, 2015.

j) October, 2015 Building Permit Report

Approved the October, 2015 Building Permit Report.

k) Claims

Approved the Claims List for November 17, 2015.

Council Member Quast motioned to adopt the Consent Agenda as presented. Council Member Schulenberg seconded the motion. Motion carried 5-0.

3) Public Hearings

a) Ordinance O-15-10 Cable Franchise Ordinance – Mediacom

Mayor Stotko opened the public hearing.

Mr. Tienter stated that at a previous meeting the City Council opened public hearings for both cable television franchise agreements involving Mediacom and TDS Telecom. The City Council continued the public hearings to allow City staff to continue negotiations with Mediacom. Those negotiations have concluded last week and the ordinances are before the City Council tonight.

Included in the agreement are the following:

- ✓ The agreement will be in effect until September 1, 2030.
- ✓ The agreement provides that the franchise will be reviewed every five years.
- ✓ The agreement provides the City with the opportunity to provide a public education and government fee up to \$1.00 per user per month. That fee will be used towards capital expenses for television purchases of broadcasting different City meetings.
- ✓ There is currently no Public Educational or Government (PEG) fee. A PEG fee would only be required in the event the City had to replace broadcasting equipment at City Hall.

- ✓ The agreement provides for a 5% franchise fee of the monthly gross revenues. The City currently uses those funds to support its information and technology expenditures.
- ✓ Increases the performance bonds and insurance by an amount consistent with inflation.
- ✓ The agreement would allow for a 180-day termination of the franchise.

Mayor Stotko asked for public comment. There were no public comments regarding this item.

Council Member Ollig motioned to close the Public Hearing. Council Member Quast seconded the motion. Motion carried 5-0.

Council Member Ollig motioned to adopt Ordinance O-15-10 granting a cable television franchise to Mediacom Minnesota, Limited Liability Company (LLC). Council Member Fasching seconded the motion. Motion carried 5-0.

b) Ordinance O-15-11 Cable Franchise Ordinance - TDS Telecom

Mayor Stotko opened the public hearing.

Mr. Tienter stated if approved, the City will be providing cable television franchise agreements to both Mediacom and TDS Telecom. When there are two cable providers in Winsted, the City has to provide same or similar conditions to both cable providers. A separate agreement was also negotiated with TDS Telecom and is similar to the agreement reached with Mediacom.

Mayor Stotko asked for public comment. There were no public comments regarding this item.

Council Member Fasching motioned to close the Public Hearing. Council Member Schulenberg seconded the motion. Motion carried 5-0.

Council Member Ollig motioned to adopt Ordinance O-15-11 amending a cable television franchise with Winsted Telephone Company, doing business as TDS Telecom. Council Member Quast seconded the motion. Motion carried 5-0.

4) Old Business

None.

5) New Business

a) Ordinance O-15-12 - Residential Accessory Structure Text Amendments

Mr. Tienter stated the recommendation from the City's Planning Commission is for two (2) amendments to the Ordinance relating to residential accessory structures. The first amendment would allow accessory structures to be constructed with different materials from the primary residence but adds language to ensure that any accessory building is of the same or similar color.

The other proposed amendment relates to the threshold for obtaining a building permit, due to a change in Minnesota State regulations rules from 120 square feet to 200 square feet. The Planning Commission is recommending this ordinance follow suit.

City staff did add some language to the text amendment following the Planning Commission meeting. The original proposed ordinance language would have allowed carports as a structure in residential districts, and so City staff, upon the recommendation of the City Attorney and the City's Zoning Consultant, added language regarding that to the proposed ordinance.

Council Member Fasching noted he did hear from two Planning Commissioners after they reviewed this item the first time and they requested that the Planning Commission be given the opportunity to review it again.

Mr. Tienter noted the conversation at the Planning Commission revolved around the change in the threshold requirement for a building permit. Currently, anything under 120 square feet would not require a building permit. The proposed ordinance amends that language to 200 square feet to be consistent with State Statute. The issue related to the fact that a 120 square foot building is considerably smaller than a 200 square foot structure, with the larger building have a greater impact on the surrounding properties. If the City Council is interested in regulating buildings that are between 120 square feet and 200 square feet, the City would need to adopt stronger standards for those structures.

Following the Planning Commission meeting, City staff was provided with some additional information from the City of Buffalo regarding structures that fall within that gap. Currently any building between 120 square feet and 200 square feet would not be regulated.

Council Member Fasching motioned to refer Ordinance O-15-12 back to the Planning Commission. Council Member Schulenberg seconded the motion. Motion carried 5-0.

6) Organization Report

a) Winsted Arts Council

Ms. Julie Guggemos, Winsted Arts Council, reported on the following:

- Their new building in the downtown area is working out fine.
- Asked the City Council for direction on McLeod County Assessor's evaluation of the building as commercial property.

Mr. Tienter stated the assessor will need to make a determination as to the use of the property, which will impact the property value of the property. Mr. Tienter stated if the Winsted Arts Council is not happy with their valuation, there is an appeal process they can go through and that he can assist them with that.

Ms. Guggemos reported the following:

- The building is used for programming, as a gallery, and an after school arts program.
- Participants from area cities are also taking advantage of the arts program.
- Blue Note for Adult programming has been very successful.
- Have applied for a grant from the Southwest Minnesota Arts Council for operating expenses for the next two years.

Council Member Fasching stated he attended the third annual "Bring it on Home" event at the Blue Note and that he has been very impressed with how the event has improved over the years.

Ms. Guggemos stated this is the time of year where they have their membership drive and that they welcome any new members. On December 17, 2015 there will be a wine and paint event and a holiday day parade that month.

7) **Open Forum**

None.

8) **Announcements**

None.

9) **Adjournment**

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

The meeting was adjourned at 6:30 p.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Deborah R. Boelter

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