

City of Winsted
City Council Meeting
Council Chambers
January 6, 2009
6:00 p.m.

Present: Mayor Steve Stotko
Council Member Bonnie Quast
Council Member Tom Ollig
Council Member Tom Wiemiller
Council Member Dave Mochinski

Staff Present: Brent Mareck, City Administrator
Deb Boelter, City Clerk-Treasurer
Fran Eggert, City Attorney

Oath of Office:

Boelter administered the Oath of Office to the following:

- Steve Stotko for the elected position of Mayor.
- Tom Ollig for the elected position of City Council member.
- Bonnie Quast for the elected position of City Council member.

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

a) The Pledge of Allegiance was taken.

2) Consent Agenda

Ollig amended his motion on page five (5) of the December 16, 2008 Regular City Council meeting minutes to read, "**Ollig motioned to freeze 2009 capital spending and to initiate a freeze on 2009 salary increases until further notice.**"

Mayor Stotko added an item for approval to the Consent Agenda. Stotko stated that Park Commission member, Alan Fleischacker's term has expired and he does not wish to be reinstated to the Park Commission. Stotko asked for approval of the appointment of Kurt Landin as the new Park Commission member.

Mochinski motioned to adopt the Consent Agenda as presented. Quast seconded. Motion carried 4-1. Ollig abstained.

a) Minutes - City Council Work Session – December 16, 2008

Accepted the minutes of the City Council Work Session of December 16, 2008.

b) Minutes – Regular City Council Meeting – December 16, 2008

Accepted the minutes of the Regular City Council Meeting of December 16, 2008.

c) 2009 Appointments

Approved Mayor Stotko's recommendation for the 2009 appointments.

d) City Hall and Lakefront Promenade Project – Pay Request #12

Approved Pay Request #12 in the amount of \$139,402.99 to Greystone Construction Company for work completed on the City Hall and Lakefront Promenade project.

e) City Hall and Lakefront Promenade Project – Pay Request #13

Approved Pay Request #13 in the amount of \$9,855.93 to Greystone Construction Company for work completed on the City Hall and Lakefront Promenade project.

f) Claims

Approved the Claims List for January 6, 2009 as presented.

g) December 16, 2008 Regular City Council Meeting Minutes – Amendment

Approved an amendment to Ollig's motion on page five (5) of the December 16, 2008 Regular City Council meeting minutes to read, "**Ollig motioned to freeze 2009 capital spending and to initiate a freeze on 2009 salary increases until further notice.**"

h) Park Commission Appointment – Kurt Landin

Approved the appointment of Kurt Landin to the Park Commission.

3) Public Hearings

a) Small Cities Development Program – Resolution R-09-01

Mareck stated that the public hearing was scheduled to consider a Resolution supporting the submittal of a Small Cities Development Program Application (SCDP) that has been prepared on behalf of the cities of Winsted and Mayer, Minnesota by Shannon Sweeney, David Drown Associates, Incorporated. Mareck introduced Sweeney.

Sweeney stated that the SCDP is a federally funded grant program that will offer business owners funding for the following:

➤ Commercial Rehabilitation:

Sweeney stated that up to \$40,000 will be provided per property for commercial rehabilitation activities. Applicants must match SCDP funds from other sources. SCDP funds will be provided as follows:

1. Twenty-five percent (25%) of the project cost (up to \$20,000) will be funded with a zero percent (0%) deferred loan that is forgiven over seven (7) years; and
2. Up to twenty-five percent (25%) of the project cost (up to \$20,000) will be funded with a zero percent (0%) amortized rehabilitation loan that will be repaid by the applicant over a term that is determined based on need.

Applicants must maintain a qualifying business within the commercial space during the term of the financing.

➤ Rental Rehabilitation:

Sweeney stated that up to \$12,500 in SCDP funds not-to-exceed seventy percent (70%) of the project cost will be provided per residential unit for rehabilitation activities. Applicants must fund forty percent (40%) of the project cost from other sources. SCDP funds will be provided as follows:

1. Up to seventy percent (70%) of the project cost (up to \$12,500) will be funded with a zero percent (0%) deferred loan that is forgiven over five (5) years. No repayment will be required of the SCDP funds if the owner maintains rents below Fair Market Rents (as established by the Department of Housing and Urban Development) for the term of the loan and at least fifty-one percent (51%) of the units are occupied by Low-to Moderate Income families.

Sweeney stated the grant application submittal will include letters of interest from twelve (12) commercial property business owners in the City of Winsted who would like to use the rehabilitation funding.

Ollig asked Sweeney if the City Attorney, Fran Eggert, had reviewed the Cooperative Agreement between the cities of Winsted and Mayer. Sweeney stated that Eggert reviewed the agreement last year and no changes have been made to this year's agreement.

Quast asked Sweeney if he had more interested commercial property business owners interested in the grant program this year than in 2008. Sweeney stated that there are two (2) to three (3) more interested business owners in 2009.

Mayor Stotko asked Sweeney if the funding for the grant will be affected with the poor state of the economy and the budget cuts that the State of Minnesota is proposing. Sweeney stated that the federal government has already appropriated the funds for the SCDP grant. Sweeney also stated that at this time he has not heard that the grant funding may be eliminated but there is that possibility.

Mayor Stotko asked for public comment. No public comment was received.

Wiemiller motioned to adopt Resolution R-09-01 submitting a grant application to the Small Cities Development Program. Mochinski seconded. Motion carried 5-0.

Ollig motioned to close the public hearing. Quast seconded. Motion carried 5-0.

b) Peddlers, Solicitors and Transient Merchants – Ordinance O-09-01

Mareck presented Ordinance O-09-01; an ordinance adding a provision to Chapter 10 of the City of Winsted's Municipal Code regulating the activities of peddlers, solicitors and/or transient merchants. Mareck stated that the proposed language would restrict these activities from occurring on the below mentioned streets during the specified events.

PROHIBITED ACTIVITIES:

No peddler, solicitor or transient merchant shall conduct business in any of the following manners:

“On properties adjacent to 6th Street North and South, 1st Street North and South, Main Avenue, Baker Avenue, Linden Avenue, McLeod Avenue, Industrial Drive, and Industrial Lane from Thursday through Sunday during the following events: Winsted Summer Festival, Winsted Winter Festival, Winstock and Higher Ground.”

Mayor Stotko asked for public comment. No public comment was received.

Mochinski motioned to adopt Ordinance O-09-01 amending the city code pertaining to peddlers, solicitors and transient merchants. Wiemiller seconded. Motion carried 3-2. Ollig and Quast abstained.

Quast motioned to close the public hearing. Wiemiller seconded. Motion carried 5-0.

h) Outdoor Storage of Vehicles and Similar Equipment – Ordinance O-09-02

Mareck stated that from time to time, the city receives complaints about the number of vehicles or recreational equipment on a property. The city has explained to these residents that the number of vehicles or how they are situated on a property is not a violation of city code. The only restriction is that a vehicle must be registered and operable.

Recently, the city was involved with a property owner that had over a dozen plus vehicles situated on their property. Adjacent property owners asked the city to address the number of vehicles with the property owner. In the end, the property owner agreed to limit the number of vehicles on this property to those being able to fit on a hard surface.

Mareck presented Ordinance O-09-02.

Proposed Language:

No more than four (4) vehicles or similar devices (to include campers, boats, trailers, snowmobiles, all-terrain vehicles (atvs) and other similar devices) may be parked or stored anywhere outside a residential dwelling. A vehicle or similar device placed upon a trailer shall constitute as one (1) vehicle for the purposes of this ordinance. All vehicles must be owned by the residents of the dwelling, excluding occasional guests and patrons of an approved business.

Vehicles or similar devices parked in the "front yard" area must be on a paved or gravel (not dirt or grass surface). A front yard shall constitute the area from any public street to the dwelling.

Exemptions:

Vehicles and similar devices are exempt from the "front yard" provision from November 1st through March 31st of each year.

Properties zoned commercial (C1 and C2), industrial (I) and high density residential (R2).

Mareck stated that the outdoor storage of vehicles and similar devices has been far from an overwhelming problem in the city; however, the proposed language does prohibit certain types of outdoor storage, which may be of a nuisance to a neighborhood.

Mareck recommended increasing the number of allowed vehicles from four (4) to six (6) based on public input that the city has received regarding the proposed ordinance. He stated that if the City Council does not want to pass another ordinance, the city could address the issue of too many vehicles parked in a resident's yard through the existing public nuisance ordinance.

Quast stated that she drove around the City of Winsted to observe what vehicles residents had parked in their yards. Quast stated that several residents have recreational vehicles parked in their front yard so the restriction of four (4) vehicles could prove to be a burden for them. Quast stated that she would like the language "may be parked or stored anywhere outside a permanent building" changed to allow residents to park recreational vehicles in their back yard. Quast also stated that she does not believe that the City Council has the right to tell people where to park their vehicles on their private property.

Eggert stated that he believes that the proposed ordinance is generous to residents regarding the parking of vehicles on their property. Eggert stated that the ordinance would allow a resident to park recreational vehicles in their back yard because it regulates the number of parked vehicles in their front yard.

Wiemiller stated that he believes that the number of motor vehicles parked in a resident's front yard should be limited to four (4). If they have circumstances that require additional vehicles, they can apply for a variance.

Mayor Stotko stated that if the city has an ordinance in place that can address this issue, why approve another ordinance.

Eggert stated that the city does not have an ordinance in place that regulates a resident filling their yard with vehicles, recreational vehicles, and any similar type vehicle. Ordinance O-09-02 would allow the city to effectively regulate this issue.

Mareck stated that the city could use the existing public nuisance ordinance to charge a resident with too many vehicles parked in their yard but the public nuisance ordinance is not as concrete in addressing this issue as the proposed Ordinance O-09-02 is.

Tim Kosek, 161 – 5th Street South, addressed the City Council. Kosek stated that there are other cities that have a four (4) vehicle parking maximum in a resident's yard. Kosek also stated that the restriction of four (4) vehicles parked in a resident's front yard may be an issue

for rental residences that house two (2) families. Mareck stated that the ordinance regulates parking for single family residential dwellings.

Mochinski stated that he does not like to see the city add new ordinances but he does not want to see a resident filling their yard with vehicles. Before adopting Ordinance O-09-02, Mochinski recommended that city staff and Eggert review the city's ordinances to verify that the city does not already have an ordinance in place that would allow for enforcement of too many parked vehicles in a property owner's yard.

Ollig stated that he favors Ordinance O-09-02 as it is written.

Wiemiller stated that he also favors Ordinance O-09-02 as it is written.

Mareck stated that Ordinance O-09-02 would be in Chapter 15 of the city's zoning code so it would allow for a resident to apply for a variance if they needed to park more than four (4) vehicles in their yard.

Mareck stated that since the proposed ordinance is an amendment to the city's zoning ordinance, the City Council could forward Ordinance O-09-02 to the Planning Commission for their review and to allow for another opportunity for public comment.

Quast motioned to forward Ordinance O-09-02 to the Planning Commission for their review and to take further public comment. Wiemiller seconded. Motion carried 5-0.

Wiemiller motioned to close the public hearing. Ollig seconded. Motion carried 5-0.

4) No Old Business.

5) New Business

a) Land Lease Agreement – Winsted Municipal Airport

Mareck stated that the City Council recently updated the land lease for the Winsted Municipal Airport to comply with certain insurance regulations that are mandated by Minnesota State law. In addition, the City Council added an improvement fee for each hangar owner, which will be used to provide matching funds for state and federally funded improvement projects at the airport.

The existing lease requires that hangar owners provide proof of insurance to the city, which the city found difficult to administer. The insurance requirements are Minnesota State law and the amended agreement only notes the obligation to the hangar owner (not requiring a certificate of insurance by the City of Winsted).

The Airport Commission asked that snow plowing provisions in the agreement be clarified to allow for snow removal on holidays and weekends provided there is a special event or emergency.

Mareck stated that the Winsted Municipal Airport Commission recommended unanimously to approve the changes to the lease agreement.

Mayor Stotko asked for comment from the land lease holders in attendance at the City Council meeting. No comment was received from the land lease holders.

Mochinski stated that the proposed amendments were discussed at the December 9, 2008 Winsted Municipal Airport Commission meeting and the three (3) hangar owners in attendance at the meeting stated that they had not received any negative comment on the proposed amendments from other hangar owners at the Winsted Municipal Airport.

Mochinski motioned to amend the Winsted Municipal Airport land lease agreement. Quast seconded. Motion carried 5-0.

6) Department Report

a) Fire Department

Chad Engel, Winsted Volunteer Fire Department Chief reported on the following:

- Introduced the 2009 Winsted Volunteer Fire Department Officers:
 - Fire Chief – Chad Engel
 - 1st Assistant Fire Chief – Chad Stender
 - 2nd Assistant Fire Chief – Charlie Fiecke
 - 1st Captain – Mike Thonvold
 - 2nd Captain – Tim Kosek
 - Ladder Captain – Shaun Bush
 - Secretary – Justin Hertzog
- Currently there are thirty (30) members on the Winsted Volunteer Fire Department.
- One (1) of the firefighters is on a leave of absence.
- Two (2) new members have recently been added to the roster.
- In 2008, the Fire Department responded to 159 emergency calls:
 - 114 medicals.
 - 45 fire and other type calls.
- Seven (7) sets of turn-out gear were purchased in 2008.
- Some fire equipment was replaced in 2008.
- Vehicle repairs were completed to the number 2 (#2) pumper and the ladder truck.
- Had to repair the garage door due to the opener malfunctioning.
- In August, 2008 the Fire Board directed the Fire Department to look into the possibility of purchasing a light rescue truck. Due to Local Government Aid (LGA) cuts, the Fire Department has decided to put the purchase of a light rescue truck on hold.
- In 2009:
 1. Seven (7) new pagers will be purchased.
 2. The garage doors and openers will need to be serviced.
 3. Improvements will be made to the generator hook-up.
 4. Annual Spaghetti dinner.
 5. Annual Pancake breakfast.
 6. Will be providing fire protection for Winstock and Higher Ground.
 7. Sponsoring an appreciation dance with Lester Prairie Fire Department.
 8. Jerry Koch has achieved twenty (20) years of service.
 9. Three (3) members have achieved ten (10) years of service.
 10. Three (3) members have achieved five (5) years of service.

Mayor Stotko asked Engel how many businesses have obtained lock boxes. Engel stated three (3) businesses.

Mayor Stotko thanked the firefighters for all the time that they volunteer for the Winsted Volunteer Fire Department. He stated that their work is “top notch.”

Ollig stated that the Fire Department completes inspections of the City of Winsted businesses to identify flammables. Is the same type of inspection done of the hangars at the Winsted Municipal Airport? Engel stated yes. Boelter stated that most of the hangars were inspected. Some of the hangar owners did not schedule an appointment for an inspection. Engel stated that a map was drawn of the inspected hangars in the event that a fire would happen.

Quast thanked the Winsted Volunteer Fire Department for the remarkable job they did in fighting the house fire in the Westgate Housing Development.

7) No Open Forum.

8) Announcements

a) City-Wide Survey

Mareck reminded residents that the city-wide survey was distributed in the December, 2008 utility bill and the city will be accepting them until January 30, 2009.

9) Adjournment

Quast motioned to adjourn. Ollig seconded. Motion carried 5-0.

Respectfully submitted,

Deborah R. Boelter
City Clerk-Treasurer