

City of Winsted
City Council Meeting
Council Chambers
January 5, 2010
6:00 p.m.

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

Staff Present: Brent Mareck, City Administrator
Deborah R. Boelter, City Clerk-Treasurer
Mike Henrich, Chief of Police
Fran Eggert, City Attorney

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

a) The Pledge of Allegiance was taken.

2) Consent Agenda

Quast motioned to adopt the Consent Agenda as presented. Mochinski seconded. Motion carried 5-0.

a) Minutes - City Council – Work Session – December 14, 2009

Accepted the minutes of the City Council Work Session of December 14, 2009.

b) Minutes – Regular City Council Meeting – December 14, 2009

Accepted the minutes of the Regular City Council Meeting of December 14, 2009.

c) Salary Step Increase – Mike Henrich

Authorized a salary step increase for Winsted Police Chief, Mike Henrich.

d) Salary Step Increase – Dave Meyer

Authorized a salary step increase for Public Works Department, Maintenance Lead, Dave Meyer.

e) 2010 Appointments

Approved the City of Winsted's 2010 official appointments.

f) Resolution R-10-01 – Tax Forfeited Properties

Approved Resolution R-10-01 authorizing the sale of tax forfeited properties at public auction.

g) Claims

Approved the Claims List for January 5, 2010.

3) Public Hearings

a) Ordinance O-10-01 – Tattoo and Related Businesses

Mareck stated that the City Council recently adopted a temporary Ordinance enacting a moratorium on the establishment of a tattoo business for six (6) months, to allow the City some time to research and study a Tattoo Ordinance in Winsted.

Tattoo businesses are often regulated by cities to ensure that basic health and safety precautions are being followed. Unregulated tattoo and/or piercing businesses, if operated in unsanitary conditions, can lead to the spread of disease and infections. The City of Winsted does not have an Ordinance that regulates the operation of a tattoo business in the community.

The draft Ordinance includes; mandatory licensing, inspection of facilities, health and safety precautions, and zoning regulations.

Mareck also stated that the Planning Commission has reviewed the Ordinance and recommended unanimously that it be adopted, with the following conditions:

1. No operation between the hours of 1:30 am and 6:00 am.
2. Any Minnesota Department of Health regulations should be incorporated into the Ordinance.

The Minnesota Department of Health has no regulations other than a Statute regarding the participation of minors in tattooing and relating activities, which has been incorporated into the proposed Ordinance.

Mareck stated that the Ordinance has also been reviewed and recommended for adoption by the Police Chief and Building Inspector.

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

Mochinski requested that there be no operation of the tattooing and/or related business from 12:00 midnight to 6:00 a.m.

Ollig motioned to adopt Ordinance O-10-01 regulating the operation of tattooing and related businesses in the City of Winsted with the business not operating from 12:00 midnight to 6:00 a.m. Wiemiller seconded. Motion carried 5-0.

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

4) Old Business

a) Building Remediation – 320 Westgate Circle

Mareck stated that at their November 17th, 2009 meeting, the City Council ordered that the home at 320 Westgate Circle be removed from the property within sixty (60) days. The action was spurred by a report from the Building Inspector noting that the wood foundation of the home was not structurally sound. The Building Inspector also verified the existence of rotting siding and a window in need of replacement due to foundation shifts. In addition, the property owner obtained a report from an independent structural engineer, which verified the findings made by the Building Inspector. Throughout the investigation of the home by the City, the property owner has had the home on the market for sale.

Recently, the property owner was able to enter into a purchase agreement for the home at 320 Westgate Circle with Steve and Denise King. The Kings are aware of the current "status" of the home and have made their purchase of the property contingent upon the approval of a remediation plan for the home by the Winsted City Council.

The remediation plan submitted indicates a May 15, 2010 start date with all work to be completed within one-hundred and twenty (120) days. The reason for the May 15th start date is due to the existing frost conditions on the property. The remediation plan has been submitted to the Building Inspector for his review.

Mareck presented the following options for the City Council to consider:

1. Proceed with the original action, which ordered the house to be removed by January 17, 2010.
2. Take an action to rescind the previous motion made at the November 17, 2009 City Council meeting regarding 320 Westgate Circle and take another action approving the remediation plan submitted by Kings.
3. Alteration to the remediation plan submitted by the Kings.
4. Table for further review.

Mareck stated that due to the scope of the structural deficiencies, the Building Inspector is recommending that a formal plan be prepared by a certified structural engineer to address the deficiencies with the foundation.

Prior to the submission of the plan by the King's, the current property owner appeared to neither have the interest or the resources to correct the deficiencies with the foundation of the home. The submission of the remediation plan and a pending purchase agreement seems to indicate a significant commitment to correcting the structural deficiencies, which would alleviate possible legal and financial involvement by the City.

Mareck presented the following conditions for the City Council to consider:

1. A plan prepared by a structural engineer for the repairs shall be submitted within sixty (60) days to the City of Winsted.
2. A building permit must be obtained prior to beginning the project.
3. Occupancy for the home is revoked until applied for and obtained through the inspection process.

Mareck also presented the following alternative for consideration:

If the City Council believes the plan is not in good order, is unlikely to be completed within a satisfactory amount of time, or will cause an increased risk to the health and safety of the neighborhood, upholding the previous action should be considered.

The City's Building Inspector, Rob Beckfeld, Metro West Inspection Services, Incorporated, was in attendance at the meeting.

Quast asked Beckfeld if the Kings are going to remove the home. Beckfeld stated no they want to repair the foundation. He also stated that he is requiring the Kings to submit a plan for the foundation repair from a structural engineer. Quast stated that there appears to be other issues that need to be addressed aside from the failing foundation. Beckfeld stated that the Kings did receive a formal document from him detailing other items in the home that need to be repaired to meet building codes.

Mochinski expressed his concerns regarding the King's ability to complete the remediation to the home within the one-hundred and twenty (120) days. He stated that he does not want the neighbors to have to live with the mess of repairing the home for more than one-hundred and twenty (120) days. Mochinski asked Eggert what the City can do if the project is not completed within one-hundred and twenty (120) days. Eggert asked Beckfeld if the Kings can be prohibited from occupying the home until the remediation is complete and is approved by Beckfeld. Beckfeld stated yes. Eggert stated that if the Kings do not complete the project, the City can condemn the property.

Ollig stated that he believes that the City should give the Kings the opportunity to remediate the property.

Wiemiller agreed with Ollig and stated that if the Kings don't complete the remediation within the one-hundred and twenty (120) days, the City will deal with it at that time.

Quast stated that she does not feel comfortable making a decision on the remediation without the Kings in attendance at the City Council meeting. Mochinski agreed with Quast.

Mochinski motioned to table any action on the building remediation at 320 Westgate Drive until a future City Council meeting. Quast seconded. Motion carried 5-0.

5) No New Business.

6) Department Report

a) Police Department

Mike Henrich, Winsted Police Department Chief, reported on the following:

- Winter parking citations.
- Emergency calls received due to snow plowing complaints.
- Domestic calls have increased in the months of November and December, 2009.
- Status of the new squad car.
- Computerized Ticketing – McLeod County Sheriff’s Department obtained a grant to put printers in squad cars that will allow law enforcement officials to print tickets and information for traffic violators immediately.
- Alcohol compliance checks - all Winsted Liquor Establishments passed. The compliance checks are funded by a grant from the Minnesota Institute of Health.
- All-Terrain Vehicle (ATV) Ordinance – the Police Department has received requests to drive larger ATVs on City streets. Eggert and Henrich are working on amending the current ATV Ordinance.
- Drug Abuse Resistance Education (D.A.R.E.) Program.
- Winsted Police Officers are giving more safety talks at different organizations and facilities in the City of Winsted.

7) No Open Forum.

8) No Announcements.

9) Adjournment

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

Respectfully submitted,

Deborah R. Boelter
City Clerk-Treasurer