

City of Winsted
City Council Meeting
Council Chambers
January 19, 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
Fran Eggert, City Attorney
Dave Meyer, Public Works Maintenance Lead
Jamie Stotko, Public Works Maintenance Lead

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

a) The Pledge of Allegiance was taken.

2) Consent Agenda

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

a) Minutes - City Council – Work Session – January 5, 2010

Accepted the minutes of the City Council Work Session of January 5, 2010.

b) Minutes – Regular City Council Meeting – January 5, 2010

Accepted the minutes of the Regular City Council Meeting of January 5, 2010.

c) Grant Agreement – Resolution R-10-02 – Winsted Municipal Airport

Approved Resolution R-10-02 a grant agreement with the Minnesota Department of Transportation/Office of Aeronautics (MN DOT/OA) for \$4,610 to upgrade the fuel system at the Winsted Municipal Airport.

d) Fuel System – Winsted Municipal Airport

Authorized Zahl-Petroleum Maintenance Company to upgrade the fuel system at the Winsted Municipal Airport for \$9,220.

e) Amendment to Professional Services Agreement – Winsted Municipal Airport

Approved an amendment to the Professional Services Agreement for the 2009 Airport Improvement Project (City share \$800).

f) Winsted Volunteer Fire Department Relief Association – Gambling Contribution

Accepted a contribution from gambling proceeds from the Winsted Volunteer Fire Department Relief Association in the amount of \$25,000 to be dedicated to the bond payment for the Winsted Fire Hall.

g) Flagship Bank of Winsted – Pledged Securities

Approved the Pledged Securities that Flagship Bank of Winsted has purchased for the City of Winsted for the month of December, 2009 in the amount of \$1,480,000 and the Federal Deposit Insurance Corporation (FDIC) in the amount of \$250,000.

h) Meeting Reschedule – City Council Work Session – February 3, 2010

Authorized the City Council Work Session, scheduled for Tuesday, February 2, 2010, to be rescheduled for Wednesday, February 3, 2010 at 5:00 p.m., due to the Precinct Caucuses.

i) Meeting Reschedule – Regular City Council Meeting – February 3, 2010

Authorized the Regular City Council Meeting, scheduled for Tuesday, February 2, 2010, to be rescheduled for Wednesday, February 3, 2010 at 6:00 p.m., due to the Precinct Caucuses.

j) 2009 Audit

Authorized the audit of the City of Winsted's Financial Statements for the year ending December 31, 2009 by Conway, Deuth & Schmiesing in the amount of \$34,250.

k) Pay Equity Implementation Report

Approved the Pay Equity Implementation Report for the City of Winsted for submission to the State of Minnesota.

l) December, 2009 Financial Report

Approved the December, 2009 Financial Report as presented.

m) December, 2009 Building Permit Report

Approved the December, 2009 Building Permit Report as presented.

n) Claims

Approved the Claims List for January 19, 2010.

3) No Public Hearings.

4) Old Business

a) Building Remediation – 320 Westgate Circle

Mareck stated that at the January 5, 2010 Regular City Council meeting, the City Council voted to table the building remediation of the house at 320 Westgate Circle. The property owner had entered into a Purchase Agreement with Steve and Denise King and they were unable to be present at the January 5th meeting and the City Council did not want to make a decision without discussing their remediation plan with them. Mareck reported that since the January 5th meeting, he learned that the Purchase Agreement with the Kings had been terminated.

Jeff Blouin, St. James, Minnesota, addressed the City Council. Blouin stated that he entered into a Purchase Agreement to buy the house at 320 Westgate Circle. He asked the City Council to allow him the time to complete a Building Remediation Plan. Blouin stated that he is closing on the house on March 1st, 2010 and would like the opportunity to start repairing the house after he closes on the property. He has the City's Building Inspector's information regarding the deficiencies that need to be repaired on the house. Blouin stated that he has contacted a structural engineer to determine if he can repair

the wood foundation without raising the house. Mochinski asked Blouin if he was going to discontinue the Purchase Agreement if the structural engineer determines that he has to raise the house to repair the wood foundation. Blouin stated no.

Ollig motioned to table the matter until the first Regular City Council meeting in April, 2010. Quast seconded. Motion carried 5-0.

The City Council asked Blouin to contact Mareck and keep the City updated on his purchase of the property at 320 Westgate Circle and his Remediation Plan. Blouin stated that he would do so.

5) New Business

a) Temporary Structure – 520 Linden Avenue West

Mareck stated that Diane Mahoney, of 520 Linden Avenue West, is requesting that the City Council grant her permission to have a temporary structure constructed on her property. The structure would function as an enclosure to prevent snow and ice from accumulating on a handicapped accessible ramp that provides access to the house.

The enclosure was in the process of being constructed when the Building Inspector issued a "Stop Work" order on the construction, because the property owner had not obtained a building permit and the type of construction did not meet existing building codes. The enclosure is proposed to be constructed with a two (2) by four (4) framing system, a plywood covering and metal/tin roof. Mareck presented pictures of the proposed structure. Mareck stated that the proposed structure does not have frost footings, which is of a primary concern to the Building Inspector. In addition, the construction has no Siding Plan, which also constitutes a public nuisance.

Mareck stated that the property owner has indicated that she is in the process of looking for a new residence, but in the meantime would like to have the Council authorize the structure to be constructed and subsequently removed by April 15, 2010.

Diane Mahoney was in attendance at the meeting and addressed the City Council. Mahoney stated that her daughter contacted Mareck a year ago about constructing some type of enclosure to protect her wheelchair ramp from snow and ice.

Matt Stifter addressed the City Council on behalf of Diane Mahoney. He stated that he is one of the contractors building the temporary structure. Stifter told the City Council the structure does not have footings in the ground and is detached because there was frost in the ground. He also stated that he did not consider the fact that he should get a building permit from the City.

Stifter stated that if the City Council would agree to let Mahoney have the temporary structure, he would make sure it is removed in April, 2010 when there is no threat of snow and ice.

Ollig stated that it is important to the City Council that Mahoney be able to leave and/or enter her house safely; but, not contacting the City before constructing the temporary structure has put the City Council in a difficult position because the structure does not comply with the City's ordinances.

Mareck stated that the primary issue to consider is the consistent enforcement of provisions within the building code and municipal code of ordinances. The property owner does have a legitimate issue to address in trying to provide safe access in and out of her house; however, there are alternatives available to the property owner including increased maintenance of snow and ice removal from the ramp.

An enclosure of this type could be built providing it met building and zoning code requirements; however, the winter weather conditions have made this virtually

impossible. The timing of the request has now put the City Council in a position to consider allowing a code violation that has in the past been enforced throughout the City.

Based on the past practices of the City, it's recommended that the City Council direct the property owner to use alternative methods to prevent the accumulation of snow and ice on the ramp and submit a building permit application, consistent with building code regulations, for the construction of any enclosure in the future.

Ollig stated his concern that if the City Council allows the temporary structure, a precedence may be established among other residents that does not comply with the City's ordinances.

Mochinski stated that he believes every circumstance that is presented to the City Council is different and should be considered accordingly. He also stated that he would be willing to approve the temporary structure for a specified number of days and not a specific removal date. Eggert stated that it does not make a difference if it is a specific date or a specific number of days.

Mayor Stotko asked Eggert if the City Council approves the temporary structure does the City assume some liability. Eggert stated yes because the structure does not comply with the City's ordinances.

Quast asked Stifter if he would be willing to remove the structure earlier than April, 2010 if the weather permits. Stifter stated yes.

Eggert stated that the main issue is whether the City's Building Inspector would approve the structure even if the City Council would wave the need for frost footings. Mareck stated that the Building Inspector would not want to give his approval to something that is not going to meet code.

Eggert recommended that the Building Inspector be involved in any decisions regarding the temporary structure.

Mochinski asked Eggert what liability does approval of the temporary structure place on the City. Eggert stated that the City is liable if the Building Inspector does not approve the structure because it does not meet the Building Code and the City's ordinances.

Ollig stated that he believes that Stifter should work with the Building Inspector to determine what type of structure can be built.

Stifter asked if the City has an ordinance against installing hay bales held in place by plywood instead of the existing structure. Mareck recommended that he and Stifter meet with the City's Building Inspector to discuss what type of structure is compliant with the City's ordinances and the Building Code.

Ollig asked if Mareck, the Building Inspector and Stifter are able to agree on a compliant and approved structure does Mahoney have to wait until the next City Council meeting for approval. Mareck stated no.

b) Pavement Management Plan – City Engineer

City Engineer, Jake Saulsbury, Bolton and Menk, Incorporated, presented the City of Winsted's proposed Pavement Management Plan and Assessment Policy.

Saulsbury stated that he and Mareck are developing an Assessment Policy and it should be ready for City Council approval in spring, 2010.

Mayor Stotko asked Saulsbury if Bolton and Menk, Incorporated has used the 429 Process to finance improvement projects in other cities. Saulsbury stated yes and he has only had one (1) resident contest the assessment.

Eggert stated that with Local Government Aid (LGA) reductions it is going to be important for the City of Winsted to have an Assessment Policy to finance improvement projects utilizing the provisions of Minnesota State Statutes' Chapter 429.

c) Decertification of Tax Increment Financing District #5 – Winsted Industrial Park

Mareck stated that in July of 1999, the City Council established a Tax Increment Financing (TIF) district #5 for the Winsted Industrial Park. The district was created to assist in financing the necessary infrastructure for the Industrial Park, which was primarily site work, along with water and sewer utilities. Street improvements came in 2002, in coordination with the Waste Management project. The use of TIF facilitated the first development project with Ram Buildings in 1999.

Mareck continued by stating that as of the 2008 audit, the fund balance for TIF #5 has a deficit of \$147,501. The annual projected increment payments to the district are \$17,000, which would leave the fund with a projected fund balance deficit of \$130,463 at the end of year 2009. The funds to be repaid are owed to the Sanitary Sewer Fund and any loss would have to be forgiven. Several factors, including changes in property tax law, caused the tax increment district to end up in a deficit.

The City is close to reaching an agreement for the sale of property within the Industrial Park that would essentially erase the existing fund balance deficit.

Ollig stated that he wanted the Public to be aware of the fact that there is one (1) lot left in the Industrial Park and it is proposed to be sold which would eliminate the aforementioned deficit.

Ollig motioned to adopt Resolution R-10-03 decertifying Tax Increment Financing District #5, Winsted Industrial Park. Mochinski seconded. Motion carried 5-0.

6) Department Report

a) Public Works Department

Dave Meyer, Public Works Department Maintenance Lead, reported on the following:

- Flushed fire hydrants in the month of October, 2010.
- Continued to sweep leaves and debris off the streets when needed.
- Continue to service all Public Works and Police Department vehicles when needed.
- Prepared Public Works vehicles for snow plowing and street sanding.
- Did an inventory and inspection of all Holiday decorations and repaired as needed.
- Installed Holiday decorations and banners.
- Have been plowing a lot of snow, especially in the month of December, 2010.
- Recently removed all Holiday decorations and banners.
- Have had all the grass, leaves and branches stored at the Brush Site mulched and hauled to Creekside Compost Facility in Hutchinson, Minnesota.
- Gave a tour of the Public Works facility and equipment to a local Boy Scout Troop.
- Picked up salt/sand in Hutchinson, Minnesota and hauled it to the Public Works facility.
- Gave an update on the four (4) street lights that are not working on Main Avenue West located outside of Glenn's Super Valu. There is a wire underground that needs to be repaired. Unfortunately, C.R. Electric, Incorporated cannot repair the underground wire until spring, 2010 so they are going to wire the street lights above ground so they are functioning.

Wiemiller asked Meyer to comment on the sewer back-up that happened on 5th Street South. Meyer stated that the sewer back-up was due to tree roots clogging the sewer line and they are addressing the issue.

Wiemiller asked if the Public Works Department had received the new truck box for the dump truck. Meyer stated yes and it was working well.

The Council Members complimented the Public Works Department for the good job they have done with snow plowing. Mayor Stotko stated that unfortunately they have to deal with a lot of unappreciative residents.

Mayor Stotko asked Meyer, the City's Tree Inspector, if he is concerned about the emerald ash bore. At this time, Meyer stated that he is not concerned. He will be attending a meeting in the future regarding the emerald ash bore. Meyer stated that the City of Winsted's tree population is ninety percent (90%) ash trees.

7) No Open Forum.

8) Announcements

a) 404 Westgate Drive – Fire Damaged House

Mareck gave an update on the fire damaged house at 404 Westgate Drive. Mareck stated that Eggert is preparing documents for the City Council to consider at a future City Council meeting.

9) Adjournment

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

Respectfully submitted,

Deborah R. Boelter
City Clerk-Treasurer