

Present: JoLynn Cafferty
Dan Dickhausen
Marvin Ebensperger
Max Fasching
Mike Guggemos
Tom Ollig – Council Liaison

Staff Present: Brad Martens, City Administrator
Raquel Kirchoff, Administrative Assistant

1) Call the Meeting to Order

Ebensperger called the meeting to order at 6:00 p.m.

2) Approval of Minutes

Dickhausen motioned to approve the minutes from the Planning Commission Meeting on February 8, 2012. Fasching seconded the motion. Motion carried 5-0.

3) Public Hearings

4) Old Business

a) Rental Housing Ordinance Amendment

Mr. Martens stated that at the February 8, 2012 Planning Commission meeting, a proposed change to the Rental Housing Ordinance was discussed in regards to a window requirement. The existing language requires individuals to occasionally make improvements to their homes if the egress requirement is not met, even if the building met the requirements of the building code when it was constructed.

Mr. Martens stated that Rob Beckfeld, Building Inspector, presented language that could be adopted in the Rental Housing Ordinance from the 2006 International Property Maintenance Code, and that the proposed language would simply require the owner to meet the building code that existed when the building was constructed.

Mr. Martens reviewed the existing requirement in the ordinance regarding windows which states that every habitable space shall have at least one window facing directly outdoors that can be opened easily, one of which must provide egress.

He also explained the proposed requirement to add to the ordinance regarding emergency escape openings which would state that required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and also that required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grills, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

Mr. Martens stated that in addition to the language amendment, Commissioner Ebensperger questioned whether the recently updated language to the C-1 Commercial Downtown Business District Zoning Ordinance would require further adjustments to the Rental Housing Ordinance, and that the question specifically referred to Section 1405.005.F, which states "Access to or egress from each rental dwelling unit shall be provided without passing through any other dwelling unit."

Mr. Martens stated that he further reviewed the Rental Housing Ordinance after Mr. Ebensperger's question, and found that it provides the following definitions:

- **Dwelling** – A building or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including single family dwellings, two family dwellings and multiple family dwellings, but not including hotels and motels.
- **Dwelling Unit** – A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Mr. Martens stated that in his opinion, since the definitions refer to residential uses and the recently updated language to the C-1 Commercial Downtown Business District Zoning Ordinance only allows for a single residential unit, that there should not be a conflict between the two ordinances.

Mr. Ebensperger asked if there were any comments regarding the proposed language amendment for the Rental Housing Ordinance. No comments were given, and the Planning Commission agreed with the proposed language for the requirement regarding emergency escape openings that needed to be added to the Rental Housing Ordinance. The Planning Commission directed Mr. Martens to delay scheduling a Public Hearing for this ordinance amendment until there were more amendments for efficiency.

5) New Business

a) Alternative Energy Ordinance

Mr. Martens welcomed Cynthia Smith-Strack, of Municipal Development Group, to present example ordinances regarding alternative energy, for the Planning Commission to review for the purpose of creating an Alternative Energy Ordinance for the City of Winsted.

Ms. Smith-Strack stated that she provided sample alternative energy ordinances from the cities of St. Charles, North Saint Paul, Newport and Maplewood, Minnesota; as well as background information on solar energy, sample geothermal well standards from Robins, Iowa and sample outdoor wood burning standards from Shorewood and Battle Lake, Minnesota.

Ms. Smith-Strack stated that it is important that the Planning Commission knows if they want to provide for (encourage) or regulate (restrict or not allow) alternative energy sources for the City.

Mr. Ebensperger stated that the intent of the Planning Commission should be a combination of both encouragement and restriction due to the impact that each type of alternative energy could have on neighbors. Mr. Ebensperger also stated that all types of alternative energy should be defined in the ordinance and should include wind energy, solar energy, outdoor furnaces and geothermal systems.

Mr. Fasching asked if there was any current language in the ordinances that regulated alternative energy sources and Mr. Ebensperger stated there was not.

The Planning Commission discussed height requirements to be placed on alternative energy sources. Ms. Smith-Strack stated that height may be regulated through the towers, and Mr. Fasching asked what the height of the existing towers was; however, the answer was not known at the meeting.

Mr. Fasching stated that within the Winsted on the Lake Development, they have height restrictions on their property of ten feet higher than the roof and wondered if different areas of town had different restrictions.

Mr. Ebensperger stated that within some of the examples given by Ms. Smith-Strack, the height restriction was the property setback. Ms. Smith – Strack responded that setbacks are sometimes used as the height restriction in case a high wind would cause a wind turbine, for example, to fall, it would not affect the neighboring property.

Mr. Dickhausen asked if there was any current language in the ordinances that regulated outdoor furnaces, and if the Fire Department regulated these. No one was aware of current language or that the Fire Department regulated this type of furnace. The Planning Commission had specific questions about outdoor furnaces and what could be burned in them. They agreed that smoke from outdoor furnaces could create issues and needs to be addressed within the ordinance. Ms. Smith-Strack stated that the Environmental Protection Agency (EPA) has good models for cities to use for regulation of outdoor furnaces.

Ms. Smith-Strack asked the Planning Commission if they were concerned about regulating commercial applications of alternative energy within the city. Mr. Ebensperger stated that he would prefer that commercial applications of alternative energy not be within the city. Mr. Ollig stated that Winsted does not have enough population density to warrant it economically. Mr. Ebensperger stated that until the local

energy providers are mandated to provide commercial applications, he'd rather wait to create commercial regulations.

Regarding geothermal systems, Mr. Ebensperger stated his concerns regarding exchange fluids that may not be very environmentally friendly. He asked Ms. Smith-Strack if other cities were required to register their geothermal systems. She replied that she was not aware that they had to register, but that they must be approved. Mr. Ollig asked if the Fire Department needed to be aware of geothermal systems. Ms. Smith-Strack again stated that she was not aware that they needed to be. She continued by stating that these types of systems are not seen frequently in cities with populations under 10,000. Mr. Martens asked if language for shut off switches was included in the example from St. Charles. Ms. Smith-Strack replied that it was.

Mr. Ebensperger stated that he liked the example ordinances that Ms. Smith-Strack provided. He favored the City of St. Charles language, stating that he likes how it spells out prohibited areas of alternative energy sources. He stated that he also likes the "Standards and Certifications" section of the example ordinances from the other cities. Ms. Smith –Strack stated that she preferred the language from St. Charles too.

Ms. Smith – Strack asked the Planning Commission if they wanted to define separate uses for traditional uses of solar panels and photovoltaic uses. Ebensperger stated that they should be defined separately. Ms. Smith-Strack stated that she preferred the language from Battle Lake better than Shorewood regarding solar energy. Mr. Ebensperger stated that the City should both encourage and regulate solar energy.

The Planning Commission agreed that the language from St. Charles could be used as a base to create an ordinance, but to remember to take into consideration the other points that were discussed during the meeting.

The Planning Commission directed Mr. Martens to create draft ordinance language, with the help of Ms. Smith-Strack, to be reviewed at a future meeting.

6) Other Business

Mr. Martens stated that the Planning Commission had discussed reviewing the City's Land Use Plan at the April, 2012 meeting. Mr. Martens asked if they would like to review the draft language for the alternative energy ordinance that he would work to create, instead. The Planning Commission members stated that they would like to review the alternative energy ordinance language.

7) Adjournment

Guggemos motioned to adjourn the meeting. Cafferty seconded the motion. Motion carried 5-0. The meeting adjourned at 6:35 p.m.

Brad Martens

Brad Martens,
City Administrator
City of Winsted

ATTEST:

Raquel Kirchoff

Raquel Kirchoff,
Administrative Assistant
City of Winsted-