

City of Winsted
Planning Commission Meeting
City Hall – Council Chambers
Wednesday, February 8, 2012
6:00 p.m.

Planning Commission Members Present: Dan Dickhausen
Marv Ebensperger
Max Fasching
Mike Guggemos
Tom Ollig (Council Liaison)

Planning Commission Members Absent: JoLynn Cafferty

Staff Present: Brad Martens, City Administrator
Amanda Zeidler, Utility Billing & Payroll Clerk

1) Call the Meeting to Order

Marv Ebensperger, Planning Commission Chairperson, called the meeting to order at 6:00 p.m.

2) Approval of Minutes: January 11, 2012

Fasching made a motion to approve the minutes of the January 11, 2012 Planning Commission Meeting. Guggemos seconded the motion. Motion carried 4-0.

3) No Public Hearings.

4) No Old Business.

5) New Business

a) Rental Housing Ordinance Review

Martens stated that Rob Beckfeld, Building Inspector for Metro West Inspection Services, Incorporated, was present to ask for clarification regarding the City's Rental Housing Ordinance to further define the egress window requirement in Section 1405.005.J, 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."

Beckfeld presented information regarding egress windows that is found in the *International Residential Code* for new construction. Beckfeld went on to give a definition and dimensions that are required for an emergency escape and rescue opening as it is found in the *International Residential Code*. Beckfeld also presented information regarding emergency escape openings from the *International Property Maintenance Code*, which has been adopted by some cities in their rental housing ordinance. The 2006 *International Property Maintenance Code*, section 702.4, states the following regarding emergency escape openings:

Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. 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.

Beckfeld explained that the *International Property Maintenance Code* is basically stating that if a property owner does not have an egress window, they do not need to install an egress window as long as the window is the same size as what was required when the building was originally constructed, and the code is referring to egress

windows for bedrooms. Beckfeld stated that the confusing part of the City's ordinance is that it talks about an operable window in every room, one of which must meet egress; however, there is no definition of an egress window, the required location, or the size of the window. He stated that it is difficult to conduct inspections and to determine if a window meets egress standards.

Guggemos asked Beckfeld if the question regarding egress windows is related to new construction or remodeling. Beckfeld stated that the definition is needed for the purpose of conducting rental housing inspections. Beckfeld stated that he conducts rental inspections for the City, and when he does the inspection to license the landlord or the owner to rent a property, he enforces the City's Rental Housing Ordinance, and it is difficult to enforce without a proper definition.

Beckfeld made a recommendation to remove the current language regarding egress windows from the City's ordinance because it is not serving a purpose. Guggemos made a recommendation to amend the ordinance to state that any existing property that is modified for a rental property has to meet the current building code for egress specifications. Beckfeld stated that it would make it easier for him to conduct rental housing inspections; however, it would be a large expense for the property owner.

Beckfeld stated that there were approximately 175 rental housing permits that were issued in 2008, and will need to be renewed 2013, because the permit is only valid for five (5) years. He stated that he would like to tweak the ordinance to make inspections easier and avoid any liability issues, because he has been using his own judgment until now. Fasching asked how many properties would be an issue of the 175 rental housing units that have permits. Beckfeld stated that approximately fifty percent (50%) of the properties would be affected.

Guggemos asked if removing this section from the ordinance would reduce the City's liability. Martens stated that it would remove the decision process from the City, so there would be less liability. Guggemos asked if an owner is required to get a rental housing permit if the property is used as a rental property. Beckfeld and Martens stated that a property owner is required to get a rental housing permit if the property is used as a rental property.

Ebensperger asked if Beckfeld is looking for a replacement of statements, where the statement from the *International Property Maintenance Code* would actually replace a portion of the ordinance. He stated that the City also has coverage within the State of Minnesota Building Code that if a property owner is remodeling or doing something to a home, at a certain percent value, then everything at that time must be brought up to state code, and therefore, anything for a rental housing unit would have to meet egress conditions. Beckfeld stated that through the building code, changing the use of the room can require the installation of an egress window.

Fasching asked if Beckfeld has had cases in which the window was too small and required an egress. Beckfeld stated that he has required approximately three (3) property owners to change out their windows, and stated that he usually recommends installing the egress window in the bedroom, not the living room, so that it meets future ordinance requirements.

Ollig stated that once a homeowner has made the decision to rent out his or her home, and there is no new construction, so he or she does not need to install an egress window, he asked if there is a liability factor when the homeowner knows that there is not an egress window. Beckfeld stated that he does not believe it is a liability for the homeowner because it is grandfathered; however, it could be a liability for the City because the code is vague. Ollig asked if the wording should be removed from the ordinance, and that way the egress window requirements are covered during new construction or a remodel.

Ebensperger stated that if a person decides to rent out a property, and obtains a renter's license to rent the property, does that present the City with a change of status of that particular value or that home that would then allow the City to be able to make sure that it meets the building code requirements? Beckfeld stated that the property would have to be in compliance with the City's Rental Housing Ordinance.

Martens asked the specific benefit of adding the paragraph from the *International Property Maintenance Code* versus having no egress language at all. Beckfeld stated that there is no benefit, but having the replacement of the statement would make his job easier and remove the burden during rental inspections. Beckfeld stated that he does not want to make an owner replace a window if he does not have to.

Ebensperger stated that he would like to have some kind of statement that addresses windows, even if it is a change in verbiage. Ollig clarified that the City would remove the language that is currently in the ordinance, and replace it with Section 702.4 of the *International Property Maintenance Code*.

Martens asked if the City could wait until the later part of 2012 to update the ordinance, since there are other ordinances to be reviewed by the Planning Commission this year. Beckfeld stated that the sooner the ordinance is updated, the better because there are rental housing permit applications that trickle in throughout the year, but it is the City's decision. Fasching asked if Beckfeld could foresee any changes to the *International Residential Code* that would affect this portion of the *International Property Maintenance Code*. Beckfeld stated that he does not foresee any changes in this particular portion of the code. Ebensperger stated that changing the ordinance will require a public hearing, and since there may be changes to several different ordinances, the Planning Commission would probably discuss several updates together at one public hearing.

Guggemos stated that in the meantime, Beckfeld could do inspections using the language in the *International Property Maintenance Code*, and let the property owner know that the Planning Commission is in agreement regarding the use of the language in the code. Beckfeld stated that he would start inspecting according to the new language, since the Planning Commission is in agreement.

Martens stated that the Planning Commission has established the intent to move forward with the language updates, and a first draft of the ordinance language could be reviewed at the next Planning Commission meeting in March, 2012.

b) Building Permit Fee Schedule

Martens stated that although setting fee schedules does not fall under the Planning Commission's authority, City staff is considering making a recommendation to the City Council to update the City's building permit fee schedule. Martens added that the fees for the City of Winsted are low compared to surrounding communities.

Beckfeld stated that in the past, the *Uniform Building Code* was updated every three (3) years, and the update included a sample fee schedule for cities to adopt. Beckfeld stated that Winsted is using the 1979 fee schedule, along with the City of Waverly. Most of the other communities that Metro West Inspection Services, Incorporated works with have adopted a newer fee schedule. Beckfeld stated that there are three (3) cities that have adopted the 1997 fee schedule, and he reviewed a comparison of fees on the current fee schedule and the proposed fee schedule. Martens stated that the City of Winsted is behind, and most of the cities in our area updated their fee schedule years ago. Martens added that there are several fees that are incorrect, so the fee schedule will need to be updated either way.

Guggemos asked Beckfeld and Martens if residents will receive an increase in services with the increased rates. Beckfeld stated that the lower permit fees do not cover the wages to issue the permit. Ollig stated that some cities are considering it as a revenue generator, rather than using it to cover the costs of administering the permit process. Martens stated that it is not the goal of the City of Winsted to increase fees to generate revenue, the increase would be used to cover the administrative costs of the City, and Metro West Inspection Services is not pushing this on the City. Ebensperger stated that administrative costs have gone up since 1979. Beckfeld stated that the state requires cities to be able to justify the fees and made a recommendation to update the City of Winsted's fee schedule to the 1985/1988/1991 fee schedule.

Guggemos stated that he agrees with updating the City's building permit fee schedule to the 1985/1988/1991 fee schedule. Martens stated that he appreciated the feedback from the Planning Commission and will move forward with updating the building permit fee schedule with the City Council.

c) Planning Commission Meeting Schedule

Martens presented the proposed 2012 meeting schedule. Ebensperger asked the Planning Commission if there are any additional items that they would like to include on the schedule.

Martens stated that there had been discussion to move the Planning Commission meetings to the second Monday of each month, rather than the second Wednesday of each month.

Guggemos made a motion to conduct Planning Commission meetings on the second Monday of each month, beginning in March, 2012. Dickhausen seconded the motion. Motion carried 4-0.

6) No Other Business.

7) Adjournment

Fasching made a motion to adjourn the meeting. Guggemos seconded the motion. Motion carried 4-0. The meeting adjourned at 6:50 p.m.

Brad Martens

Brad Martens,
City Administrator
City of Winsted

ATTEST:

Amanda J. Zeidler

Amanda J. Zeidler,
Utility Billing & Payroll Clerk
City of Winsted