

City of Winsted  
City Council Meeting  
Council Chambers  
August 4, 2009  
6:00 p.m.

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

Staff Present: Brent Mareck, City Administrator  
Deb Boelter, City Clerk-Treasurer  
Mike Mensen, Police Officer  
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. Wiemiller seconded. Motion carried 5-0.**

**a) Minutes - City Council – Work Session – July 21, 2009**

Accepted the minutes of the City Council Work Session of July 21, 2009.

**b) Minutes – Regular City Council Meeting – July 21, 2009**

Accepted the minutes of the Regular City Council Meeting of July 21, 2009.

**c) Personnel Policy – Winsted Fire Department**

Adopted Resolution R-09-14 approving a personnel policy for the Winsted Fire Department.

**d) 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 August, 2009 in the amount of \$1,500,000 and the Federal Deposit Insurance Corporation (FDIC) in the amount of \$250,000.

**e) Claims**

Approved the Claims List for August 4, 2009 in the amount of \$57,901.43, check numbers 7883-7894, 500345E and 15600-15638.

**3) Public Hearings**

**a) Street Name Change – Ordinance O-09-05**

Mareck presented the proposal to change 240<sup>th</sup> Court to Ponto Point.

Mayor Stotko asked for public comment.

Jack Littfin, 23967-240<sup>th</sup> Court addressed the City Attorney, Fran Eggert, asking about the assignment of the house numbers. Littfin was concerned about Lot Eight (8). Mareck stated that Lot Eight (8) would not be assigned a house number because it is a street.

**Ollig motioned to approve Ordinance O-09-05 approving the street name change of 240<sup>th</sup> Court to Ponto Point. Mochinski seconded. Motion carried 5-0.**

**Mochinski motioned to close the Public Hearing. Wiemiller seconded. Motion carried 5-0.**

**b) Administrative Fine Ordinance – Ordinance O-09-06**

Mareck stated that the Minnesota State Legislature adopted a new statute that requires the City to amend its ordinance on administrative fines. The new law limits the number of violations that can be addressed through an administrative citation, requires a formal challenge process through a third party hearing officer and also limits the amount of the fine. In addition, the new fine structure requires that \$40 of the \$60 maximum fine must be paid to the State of Minnesota.

Mareck stated that the City Attorney, Fran Eggert, has provided amendments to the existing ordinance to ensure the City complies with the new law.

Mareck presented a spreadsheet indicating the changes to the City's existing fine system. Mareck stated that many items have been deleted to comply with the new law. The City is still authorized to issue administrative citations for violations of our municipal code (some fees are proposed to be raised).

Eggert stated that the City really has no choice but to approve the amendments. He stated that Minnesota State Legislature has passed this law and unfortunately it will take revenue away from the City but either the City passes the ordinance amendments or we will have no administrative fines.

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

**Quast motioned to adopt Ordinance O-09-06 approving certain amendments to the Administrative Fine Ordinance. Ollig seconded. Motion carried 5-0.**

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

**4) No Old Business.**

**5) New Business**

**a) Public Nuisance – 151-8<sup>th</sup> Street South**

Boelter stated that the City has received several resident complaints regarding the backyard of 151-8<sup>th</sup> Street South. Upon inspection, it was found that the property owner had failed to establish a lawn and the area was filled with tall grass and noxious weeds. Properties are allowed one (1) year from their date of Certificate of Occupancy to establish their lawn; 151-8<sup>th</sup> Street South was issued a Certificate of Occupancy on April 6, 2005.

The property owner was contacted through certified mail on May 19, 2009 and asked to correct the situation within thirty (30) days. The property owner has failed to establish a lawn.

The City posted a notice on Monday, July 20, 2009 to mow and trim the tall grass and remove the noxious weeds within seven (7) days. The property owner did not comply so the City had Mathew's Lawn Service do it.

Boelter stated that the property owner has been contacted to inform him that the issue will be discussed by the City Council. He has not contacted the City regarding this issue.

Boelter stated that costs associated with the abatement of this nuisance would be assessed to the property.

Boelter presented the two (2) quotes the City received for the abatement of the public nuisance:

Alan's Lawn and Landscape	\$2,600
Above All Landscape	\$3,435

Mochinski asked what issues there may be if the City approves Alan's Lawn and Landscape to enter the property at 151-8<sup>th</sup> Street South to abate the public nuisance. Mareck stated that if the property owner does not allow Alan's Lawn and Landscape to enter the property, the matter will be forwarded to the City Attorney to obtain a court order. Eggert recommended that the City have a Police Officer go with Alan's Lawn and Landscape when they enter the property for their protection.

Ollig stated that if the property owner demands that Alan's Lawn and Landscape leave his property, that they should leave the property. Eggert stated yes because there is not a court order.

**Ollig motioned certifying that 151-8<sup>th</sup> Street South is being maintained as a public nuisance and further ordering that the nuisance is abated immediately by the City of Winsted, costs associated with the abatement be assessed to the property and that a Police Officer be present when Alan's Lawn and Landscape enters the property. Quast seconded. Motion carried 5-0.**

**Wiemiller motioned to authorize Alan's Lawn and Landscape to perform the work necessary to abate the public nuisance at 151-8<sup>th</sup> Street South for \$2,600. Ollig seconded. Motion carried 5-0.**

6) **No Department Report.**

7) **No Open Forum.**

8) **Announcements**

a) **National Night Out – August 6, 2009**

Mayor Stotko invited residents to attend National Night Out in the area of Barrett Park and Sherman Avenue on Thursday, August 6, 2009 at 6:00 p.m.

b) **Winsted Summer Festival – August 7, 8, and 9, 2009**

Mayor Stotko invited residents to attend the Winsted Summer Festival the weekend of August 7, 8 and 9, 2009.

9) **Adjournment**

**Quast motioned to adjourn. Mochinski seconded. Motion carried 5-0.**

Respectfully submitted,

Deborah R. Boelter  
City Clerk-Treasurer