

City of Winsted
City Council Meeting
Council Chambers
Tuesday, February 3, 2015
6:00 p.m.

Present: Mayor Steve Stotko
Council Member Bonita Quast
Council Member Tom Ollig
Council Member Max Fasching

Absent: Council Member George Schulenberg

Staff Present: Mr. Clay Wilfahrt, City Administrator
Ms. Deborah R. Boelter, City Clerk-Treasurer
Mr. Justin Heldt, Winsted Police Department Chief
Mr. Tyler Bruns, Winsted Police Department Officer

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

a) The Pledge of Allegiance was taken.

2) Consent Agenda

Mayor Stotko read the Consent Agenda.

a) Minutes – City Council – Work Session – January 20, 2015

Accepted the minutes of the January 20, 2015 City Council Work Session.

b) Minutes – City Council – Regular Meeting – January 20, 2015

Accepted the minutes of the January 20, 2015 City Council Regular Meeting.

c) Year 2014 Audit

Authorized the audit of the City of Winsted's financial statements for the year ending December 31, 2014 by Conway, Deuth and Schmiesing in the amount of \$29,750.

d) Temporary Part-Time Administrative Assistant

Approved the hiring of Ms. Leigha Felder as a temporary Part-Time Administrative Assistant, at \$10 per hour for up to forty (40) hours per week between May 25, 2015 and August 21, 2015.

e) Winsted Volunteer Fire Department Building – Roof Contract

Approved a contract with Vos Construction Incorporated to install a new roof on the Winsted Volunteer Fire Department Building at 431 . 6th Street South in the amount of \$91,687.

f) Temporary On-Sale Liquor License – Holy Trinity Spring Dinner Auction - AMENDED

Approved a one (1) to four (4) day temporary On-Sale Liquor License for Holy Trinity's Spring Dinner Auction on April 11, 2015; not March 28, 2015, at the Holy Trinity School Gym.

g) Water Tower Cleaning

Approved a three (3) year maintenance contract with Liquid Engineering Corporation for the City's water tower in the amount of \$9,405.00.

h) Claims

Approved the Claims List for February 3, 2015.

Council Member Quast motioned to adopt the Consent Agenda as presented. Council Member Fasching seconded the motion. Motion carried 4-0.

3) No Public Hearings.

4) No Old Business.

5) New Business

a) Resolution R-15-06 – Sale of Forfeited Property

Mr. Wilfahrt stated that the City of Winsted's Police Department occasionally acquires property as a result of drug and alcohol forfeitures. In certain circumstances, vehicles and other possessions can be acquired through statutory authority granted by the State of Minnesota.

Mr. Wilfahrt stated that once the City acquires the forfeited property, the Winsted Police Department has a few options under Minnesota State Statute. In most circumstances, the City can sell the property, or retain it for official use. If the City sells the property, seventy percent (70%) of the proceeds are deposited in the City's Forfeiture Fund. The remaining thirty percent (30%) of the proceeds go to the prosecuting Attorney and the State of Minnesota.

Mr. Wilfahrt stated that typically, the City has chosen to sell the property at public auctions administered by the Winsted Police Department. In other instances, City staff has chosen to retain the property; such as, a snowmobile that the Winsted Police Department currently has.

Mr. Wilfahrt stated when selling forfeited property, the Winsted Police Department puts out a public notice and accepts bids at the Police Station. The auctions take a considerable amount of staff time to advertise and to be available for inspections of the property, and City staff does not believe that this method is attracting many potential buyers and does not command competitive bids.

Mr. Wilfahrt stated that recently City staff reached out to Fahey Sales Agency Incorporated (Fahey) to inquire if they would sell City equipment. Fahey Sales Agency Incorporated is an auction company with offices in four (4) Minnesota communities including Glencoe, Minnesota and Hutchinson, Minnesota. McLeod County and several other local Police agencies utilize Fahey for sale of forfeited property. He continued by stating that with Fahey's on-line bidding process, the forfeited property will be for sale to a large audience.

Mr. Wilfahrt stated that Fahey Sales Agency Incorporated indicated that they could sell the City property for an eight percent (8%) to twenty-five percent (25%) commission. The commission is based off of the value of the item. City staff believes that using Fahey will result in more competitive bids which will offset the commission cost. Additionally, City staff time will not need to be used to advertise bids, and to show the property to interested parties, which can often take a substantial amount of time.

Mr. Wilfahrt stated that the Winsted Police Department will still be responsible for the public notices required by Minnesota State Statute.

Mr. Wilfahrt stated that if Resolution R-15-06 is approved by the City Council, due to its minimal use, the Winsted Police Department will also sell their snowmobile through Fahey.

Council Member Ollig motioned to approve Resolution R-15-06 to authorize Fahey Sales Agency Incorporated to sell forfeited property obtained by the Winsted Police Department at the discretion of the Winsted Police Department Chief and City Administrator. Council Member Fasching seconded the motion. Motion carried 4-0.

b) Resolution R-15-07 – Abatement Notice – 121 Baker Avenue East

Mr. Wilfahrt stated that on October 7, 2014 the City of Winsted mailed a letter to Mr. Jerome Horstmann, the property owner of 121 Baker Avenue East. The letter listed a number of Building Code violations and unsafe conditions. The letter requested that Mr. Horstmann abate the unsafe conditions and gave him the option to appeal the findings.

Mr. Wilfahrt stated that on October 9, 2014, the City of Winsted obtained an Administrative Search Warrant from McLeod County District Court Judge, Mr. Michael R. Savre. The search warrant was not executed within ten (10) days since Mr. Horstmann contacted City staff and indicated that the hazardous conditions would be abated immediately.

Mr. Wilfahrt stated that on December 5, 2014, none of the hazardous conditions had been abated and the City again obtained an Administrative Search Warrant.

Mr. Wilfahrt stated that on December 12, 2014 the City of Winsted's Building Inspector and Chief of Police executed a second Administrative Search Warrant and found the following deficiencies:

- ✓ The main building and grain bins are no longer secure. This is a health and safety issue. For safety reasons, these structures need to be secured to prevent the public from entering. These openings also pose a health hazard by allowing stray animals to enter, creating an attraction for vermin.
- ✓ The building has lacked maintenance and is in a dilapidated state both structurally and from an appearance stand point.
- ✓ The garbage left in the building presents a health hazard and should be removed to prevent creating an attraction to vermin.
- ✓ The exterior grounds present a safety hazard. Ladders on the side of the grain bins are accessible to the general public including children. These ladders should be secured to prevent access.

Mr. Wilfahrt stated that on January 9, 2015, City staff sent Mr. Horstmann a letter outlining the findings of the City and informed Mr. Horstmann that the City reserved the right to contract the work done if the hazardous conditions persisted.

Mr. Wilfahrt stated that since January 9, 2015, City staff has met twice with Mr. Horstmann who has indicated that he plans to secure the property and fix the problems; however, none of the work has been completed. City staff has the authority to contract the work to secure the property. Staff has informed Mr. Horstmann that if the property is not secured by Friday, February 7, 2015, staff will consider contracting to secure the property and assess the cost of the repairs to the property.

Mr. Wilfahrt stated that even if the property is secured, the conditions are very unsafe. Rafters and trusses are failing, walls are bowing, the roof is deteriorated, and a post supporting the structure has broken off. City staff informed Mr. Horstmann that the property will be discussed at tonight's Regular City Council meeting, and also indicated that in lieu of the problems being fixed, the conditions can be abated by the City at the property owner's expense.

Mr. Wilfahrt stated that if the City Council chooses to abate the structural problems with the site, the next step for the City Council will be to adopt Resolution R-15-07 to provide notice to Mr. Horstmann and call for a City Council hearing at the next Regular City Council meeting to consider abatement of the hazardous conditions.

Mr. Wilfahrt stated that if the City Council chooses to adopt Resolution R-15-07, notice will be hand delivered to the property owner along with the Resolution, and a City Council hearing will be held on February 17, 2015. At that time the City Council can determine what to do based on the conditions and the progress, if any that has been made by the property owner.

Mr. Wilfahrt stated that he did have discussions with Mr. Horstmann today and he did indicate that he has abated some of issues; so, Mr. Wilfahrt continued by stating that he and the City's Building Inspector will visit the property and evaluate the abated items to determine if they have been completed satisfactorily.

Mayor Stotko stated that Mr. Horstmann has asked not to speak at tonight's Regular City Council meeting. He continued by asking Mr. Horstmann if that was correct and Mr. Horstmann replied that Mayor Stotko's statement is true. Mayor Stotko asked the City Council for their input.

Council Member Ollig stated that the information presented is straight forward.

Council Member Quast stated that she would like to see the smaller items; such as, the ladders secured as soon as possible. She continued by stating her concerns that the larger items; such as, the dilapidation of the building may not be able to be repaired.

Mayor Stotko stated that once the City Council and staff are made aware of the deficiencies and hazardous conditions of a building, they must address them and make certain that the conditions are abated.

Council Member Ollig asked if there is a schedule that dictates what deficiencies and hazardous conditions need to be addressed. Mr. Wilfahrt stated that the abatement of the aforementioned items is at the discretion of the City Council. He continued by stating that he does recommend that at a minimum, the City Council have the items abated by February 17, 2015 and that a plan be established for repair and/or abatement of the deficiencies and hazardous conditions of the building.

Mr. Wilfahrt stated that he has discussed the aforementioned deficiencies and hazardous conditions several times today, February 3, 2015. He continued by stating that it is his hope that Mr. Horstmann establish a plan for abatement of the items.

Council Member Fasching stated that he would like to see the building secured and made safe for everyone.

Council Member Ollig motioned to approve Resolution R-15-07 providing for an abatement notice given pursuant to Section Three (3) of chapter Sixteen (16) of the Winsted Municipal Code; and scheduling a City Council Hearing thereon, including the possibility of "summary enforcement". Council Member Quast seconded the motion. Motion carried 3-1. Council Member Fasching was opposed.

6) Department Report

a) City Engineer - Bolton and Menk, Incorporated

City Engineer, Mr. Jake Saulsbury, Bolton and Menk, Incorporated reported on the following:

➤ **Winsted Municipal Airport Items:**

- Airport Capital Improvement Plan (ACIP) . The year 2015 ACIP for the Winsted Municipal Airport was discussed with the City Council and submitted in the fall of the year 2014. The year 2015 proposed project in the ACIP is an Environmental Review for the future runway realignment.
- The year 2015 Environmental Review Project . Grant paperwork was submitted to the Federal Aviation Administration (FAA) requesting the Project be funded at ninety percent (90%) by the FAA and ten percent (10%) by the City of Winsted. The FAA is requiring a summary memo of the Project status to date, a public meeting with the Winsted Municipal Airport hangar owners, and a City Council resolution in support of the Project.

Mayor Stotko asked if there is a deadline on when the Environmental Review needs to be done. Mr. Saulsbury stated that the FAA funding will require that the Review be done in the summer months of the year 2015. Mr. Saulsbury stated that it is important to have the meeting with the Airport hangar owners as soon as possible. Mr. Wilfahrt stated that the pre-grant application had to be submitted to the FAA by the end of January, 2015 indicating that the City of Winsted may be interested in applying for a grant in the year 2015. Mr. Saulsbury stated that the application has been submitted to the FAA.

- Luce Line State Trail Alignment . The property needed for the future Luce Line State Trail relocation was purchased by the City and split into a separate property.

➤ **Wastewater Treatment Facility:**

- The final design of the revised Wastewater Treatment Facility (WWTF) Upgrade Project is being worked on. Research on the necessary additional treatment is being completed and will be brought before the City Council in the near future.
- The pond decommissioning portion of the Project has been approved by the City Council as a separate Project. Land application of some of the bio-solids occurred in November, 2014. The required deadline for the pond decommissioning is January of the year 2016.
- A \$2.5 million Point Source Implementation Grant was awarded to the City for phosphorus reduction improvements at the WWTF. This Grant requires the project to be bid by the end of June of the year 2015.
- An easement is still preferred for the new outlet pipe location from the southwest corner of the WWTF site to the ditch. Discussions with applicable property owners have occurred.
- **Industrial Park Expansion:**
 - A Feasibility Study was completed in the spring of the year 2013 and was presented to the City Council in July of the year 2013. After additional research, the Entinger property was determined to be the preferred site.
 - A boundary survey was completed to assist in the purchasing of the Entinger property. A topographic survey was also completed.
 - Additional preliminary steps are able to be completed if and/or when requested by the City Council. The preliminary steps include an environmental review, wetland delineations, wetland permitting, layout/scope/phasing determinations, McLeod County coordination, grant application submittals, and etcetera.
- **Kingsley Street Area Feasibility Study:**
 - A Feasibility Study was presented to McLeod County in November of the year 2014 for street, utility, force main, and trail improvements on and near Kingsley Street.
 - The total estimated project cost is \$1.4 million to \$2.2 million depending on the selected project components.
 - The proposed project was discussed at the City Council Strategic Planning Retreat held on December 4, 2014 and it was determined that the next step would be to review the project financing and/or funding and revisit the Assessment Policy in the winter of the year 2015. The goal is to proceed with the Kingsley Street Area Improvement Project in the year 2016 construction season.
 - A letter outlining grant opportunities will be submitted this winter in the year 2015.
- **Water Tower Inspection and Evaluation:**
 - A corrosion engineer was onsite during the September, 2014 annual cleaning of the City of Winsted's water tower to review the coatings and other potential rehabilitation items.
 - A report detailing the recommendations of a Recoating and Rehabilitation Project was submitted in December, 2014. The total estimated cost of this proposed Project is \$744,000.
 - Heavy metal samples were obtained from the City's water tower in January, 2015 and have been submitted for testing.
 - Lease and/or telecom agreements from AT&T and T-Mobile have been received and will be reviewed.
 - Updated recommendations and an updated cost estimate will be provided after the testing results are obtained and the lease agreements have been reviewed.
- **Miscellaneous Items:**
 - Federal Emergency Management Agency (FEMA) Letter of Map Revision . The modeling has been completed and submitted to FEMA. Comments were received from the Minnesota Department of Natural Resources (MN DNR) and were addressed. The necessary paperwork requesting final approval and concurrence to other jurisdictional agencies will be sent on February 4, 2015. It will impact the properties located in the area of the north side of the City of Winsted.
 - Campbell Baseball Field Improvements . A draft request for proposals for architectural services was prepared and submitted.
 - Country Acres Trailer Park Water Main . Topographic survey data was obtained and information was provided by the City staff and the Country Acres Trailer Park property owner. Design drawings and easement documents are being prepared.
 - Grass Lake Road Utility Service . Topographic survey data was obtained. An easement sketch and legal description was provided. Design drawings are being prepared. Bids for this project will be sent in conjunction with the Country Acres Trailer Park Water Main Project.

- Mapping Updates . Updates to the City's address and utility maps were completed. Additional maps for emergency services are being created.

Mayor Stotko asked Mr. Saulsbury when the maps will be completed. He stated that the Winsted Volunteer Fire Department (WVFD) has inquired about when the maps will be done. Mr. Saulsbury stated the emergency services maps should be completed by the end of February, 2015.

Council Member Quast asked for an update on the easements for the Country Acres Trailer Park Project and the Grass Lake Road Utility Service Project. Mr. Wilfahrt and Mr. Saulsbury gave a brief update on the process to obtain the easements.

Council Member Fasching commented on the poor condition of the pavement on Kingsley Street and asked if there is a plan to repair the potholes prior to the larger Kingsley Street Improvement Project. Mayor Stotko stated that there is not a plan to repair the potholes. Mr. Saulsbury stated that his recommendation is to do as little maintenance on Kingsley Street as possible since the proposed Improvement Project is scheduled to be done in the year 2016; unless the condition of the pavement becomes a safety issue.

Council Member Fasching asked how larger potholes would be addressed on Kingsley Street. Mayor Stotko stated that they would be filled with gravel to fix the issue until the Improvement Project is completed in the year 2016.

7) Organization Report

a) McLeod County Commissioner – Mr. Ron Shimanski

Council Member Ollig motioned to recess the Regular City Council meeting for fifteen (15) minutes to wait for Mr. Ron Shimanski to appear at City Hall. Council Member Fasching seconded the motion. Motion carried 4-0.

The Regular City Council meeting recessed at 6:25 p.m.

Mayor Stotko reopened the Regular City Council meeting at 6:40 p.m.

8) No Open Forum.

9) No Announcements.

10) Adjournment

Council Member Fasching motioned to adjourn the meeting. Council Member Quast seconded the motion. Motion carried 4-0.

The meeting was adjourned at 6:40 p.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Deborah R. Boelter

Deborah R. Boelter, CMC
City Clerk-Treasurer
City of Winsted