

City of Winsted
City Council Meeting
Council Chambers
Tuesday, May 2, 2017
6:00 p.m.

Present: Mayor Steve Stotko
Council Member Mike Henrich
Council Member George Schulenberg
Council Member Tom Ollig
Council Member Patty Fitzgerald

Staff Present: Mr. Dan Tienter, City Administrator
Ms. Raquel Kirchoff, City Clerk-Treasurer
Mr. Justin Heldt, Winsted Police Department Chief
Mr. Jim Lammers, Winsted Police Officer

Also Present: Mr. Jake Saulsbury, Bolton and Menk, Incorporated

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 – March 21, 2017

Approved the minutes of the City Council Work Session on March 21, 2017.

b) Minutes – City Council – Regular Meeting – March 21, 2017

Approved the minutes of the City Council Regular Meeting on March 21, 2017.

c) 2017 Asphalt Rubber Crack Repair – Barga Incorporated

Authorized the City Administrator to execute a quote from Barga Incorporated to provide asphalt pavement maintenance services to certain streets for an amount of \$2.40 per pound of sealant installed, not to exceed \$14,000.

d) Drinking Water Revolving Fund Project Priority List (PPL) Application

Authorized the City Administrator to submit a letter to the Minnesota Public Facilities Authority (PFA) regarding the City of Winsted Water System Infrastructure Rehabilitation Placement on the Drinking Water Revolving Fund Project Priority List and PFA Intended Use Plan.

e) Grant Award – Minnesota City/County Management Association (MCMA) Internship Program

Accepted a grant award from the Minnesota City/County Management Association (MCMA), for up to \$3,500 to be reimbursed to the City of Winsted for the cost of employing an administrative intern.

f) Resolution R-17-25– Winsted Volunteer Fire Department Relief Association – Gambling Contribution

Adopted Resolution R-17-25 to accept a contribution from gambling proceeds from the Winsted Volunteer Fire Department Relief Association in the amount of \$2,500 to be dedicated to the City of Winsted Park Fund.

g) Resolution R-17-24 – WHAT UP Contribution

Approved Resolution R-17-24 to accept a contribution from the Winsted Area Chamber of Commerce in the amount of \$300 to be donated to the Winsted Holding Activities that Unite People (WHAT UP) organization.

h) Application to Conduct Excluded Bingo – Winsted Lake Watershed Association (WLWA)

Approved an Application to Conduct Excluded Bingo submitted by the Winsted Lake Watershed Association (WLWA) on Thursday, October 19, 2017 at the Blue Note Ballroom, 320 3rd Street South, Winsted, Minnesota, contingent upon the WLWA providing all necessary documentation to the State of Minnesota Gambling Control Board.

i) Claims

Approved the claims list for May 2, 2017.

Council Member Ollig motioned to adopt the Consent Agenda as presented. Council Member Fitzgerald seconded the motion. Motion carried 5-0. Council Member Henrich abstained from Consent Agenda Item g.

3) No Public Hearings

4) No Old Business

5) New Business

a) Parking Lot Rehabilitation Project – Winsted Fire Station

Mr. Tienter stated that in the years 2010 and 2014, the City Council (Council) authorized the City Engineer to review the cause and possible solutions to the deteriorating bituminous and concrete parking lot for the Public Works, and Volunteer Fire Departments (Fire Department), which was originally constructed in 1998 as part of the Fire Department Station Project. Generally, these analyses determined that underlying soil condition issues required a full–depth reconstruction of the existing parking lot.

However, due to the possible cost of the proposed improvements, the Council opted to delay rehabilitation of the parking lot until the creation and adoption of a Capital Improvement Plan (CIP) to ensure sufficient funds were available to support the project and the other needs of the City. In 2016 and 2017, the Council adopted a Fire Department CIP, which included funding for a partial parking lot rehabilitation in 2017 and 2018, respectively. On January 28, 2017, as part of the annual Council Goal Setting Retreat, the Council directed City staff to explore alternatives to rehabilitate the parking lot.

Mr. Tienter stated that the estimated total cost of the project is approximately \$138,857, which includes the cost of the construction, contingency costs and soft costs (e.g., project management, inspections). The adopted 2017 – 2021 Fire Department CIP budgets \$130,000 for this project, so this cost is approximately \$8,857 or 6.81% more than expected. Mr. Tienter stated that sufficient fund balance exists to support this additional cost.

Mr. Jake Saulsbury, Bolton and Menk, Incorporated described the area that will be included in the project and stated that the general contractor for the active Kingsley Street Area Improvements Project will complete the project. The project includes the complete replacement of the blacktop and aggregates in the area and also some drain tile to help with the water problem. Mr. Saulsbury stated that the City Council may approve the Parking Lot Rehabilitation Project as a change order to the Kingsley Street Area Improvements Project, which will reduce cost related to project mobilization and management.

Mr. Saulsbury stated that the project would be completed after the Winstock Country Music Festival has occurred, with July, 2017 as the tentative completion date.

Mr. Tienter stated that under Minnesota Statute 429.041, subd. 7, a municipality may issue a change order “if the cost of the additional work does not exceed twenty-five (25) percent of the original contract price.” The original Kingsley Street Area Improvements Project contract totals \$915,688. The recommended change order would constitute an approximate change of 13.19%, which is below the twenty-five (25) percent.

Mr. Saulsbury described the length of the project to the City Council Members and stated that City staff would coordinate with the contractor and the Winsted Volunteer Fire Department to complete the project. The plan is to keep one of the two entrances to the Fire Station open at all times.

Council Member Fitzgerald motioned to authorize the City Administrator to execute Change Order No. Two (2) to the Kingsley Street Area Improvement Project for a partial Parking Lot Rehabilitation Project at the Winsted Fire Station. Council Member Schulenberg seconded the motion. Motion carried 5-0.

b) Liquor Ordinance Amendment, Sunday Off–Sale, Ordinance No. O-17-06

Mr. Tienter stated that the State of Minnesota adopted some modifications to existing Liquor Laws that ultimately allow for the Sunday Sale of intoxicating liquor. Included with that Amendment was also a prohibition against the delivery, solicitation or merchandising of any alcohol at an off-sale establishment on Sundays. Mr. Tienter stated that the League of Minnesota Cities advises that cities should go through the process of amending their ordinances if their ordinance prohibits Sunday sales, which Winsted's ordinance does.

Mr. Tienter stated that there is controlling Case Law regarding how a city can go about regulating the hours of operation for liquor establishments. Ultimately the Minnesota Court of Appeals has upheld that a city cannot be so restricted to eliminate an entire day of sales but is authorized under Minnesota State law to limit the number of hours that any such business can be open on a given day. Given that Minnesota State law is only allowing liquor sales between the hours of 11:00 a.m. and 6:00 p.m., city staff are not recommending to limit those hours, but rather to adopt into the ordinance language that is consistent with Minnesota State law. This approach is consistent with the City Council's past practice on these matters.

Mr. Tienter stated that City staff presented the proposed amendment to the liquor licensee's at the 2017 Liquor License Forum and the licensee attendees at that forum had neutral comments about the modification to the ordinance.

Mr. Tienter stated that City staff is recommending that the City Council adopt the proposed changes to allow Sunday off-sale liquor sales in the City of Winsted between the hours of 11:00 AM and 6:00 PM, effective July 1, 2017 and to prohibit the delivery, solicitation or merchandising of any alcohol on Sundays, effective on the same date.

Council Member Ollig motioned to adopt Ordinance O-17-06 to amend Chapter 12 of the Winsted Municipal Code to allow the off-sale of intoxicating liquor on Sundays, between the hours of 11:00 a.m. and 6:00 p.m., and to prohibit the delivery, merchandising and/or order solicitation by a wholesaler on Sundays effective July 1, 2017. Council Member Fitzgerald seconded the motion. Motion carried 5-0.

6) Organization Report

a) Winsted Area Chamber of Commerce

Mr. Jeff Campbell, Winsted Area Chamber of Commerce President, reported on the following:

- Reviewed the current board members of the Winsted Area Chamber of Commerce.
- Reviewed the Winsted Area Chamber of Commerce Board meeting and General Membership meeting schedules.
- Reviewed a schedule of events that are held throughout the year.
- Reviewed membership and annual dues requirements for the Winsted Area Chamber of Commerce

Council Member Ollig stated that the Winsted Area Chamber of Commerce is extremely active for a community the size of Winsted and thanked Mr. Campbell and the Chamber for the good impact they have on the city. He continued by thanking the Winsted Area Chamber of Commerce for donating toward the lighted fountain that will be placed into Winsted Lake.

7) No Open Forum

8) City Administrator Updates and Announcements

a) 2016 Audit

Mr. Tienter stated that Conway, Deuth and Schmiesing completed the site visit for the 2016 Audit. Auditors will be present at a future City Council Meeting to present the 2016 Audit. Mr. Tienter recognized Ms. Raquel Kirchoff, City Clerk-Treasurer and Ms. Amanda Zeidler, Deputy City Clerk for their efforts to prepare for the auditors visit and help the auditors while they were at City Hall. He continued by stating that the City plans for four days of auditors visit to the site; however, the auditors completed their site visit in three days this year.

b) Drug Abuse Resistance Education (D.A.R.E)

Mr. Tienter stated that Mr. Justin Heldt, Winsted Chief of Police, graduated his fourth D.A.R.E. class at Holy Trinity School. The graduation program included a presentation from Mayor Stotko. The graduated D.A.R.E. class will be attending a Minnesota Twins game thanks to a generous contribution from Millerbernd Manufacturing.

c) Winsted Police Department Events

Mr. Tienter stated that the Winsted Bike Rodeo will take place at Winsted Elementary School on May 18, 2017 at 6:00 p.m., with May 25, 2017 as the alternate rain date.

Mr. Tienter stated that there will be a Winsted Police Department Open House on May 20, 2017 from 9:00 a.m. – 12:00 p.m. and invited the public to come visit the Winsted Police Station.

d) Commission Vacancies

Mr. Tienter stated that there are vacancies on the Economic Development Authority and Park Commission. Interested residents should contact City Hall for more information.

9) Adjournment

Council Member Schulenberg motioned to adjourn the meeting. Council Member Fitzgerald seconded the motion. Motion carried 5-0.

The meeting was adjourned at 6:45 p.m.

Steve Stotko
Mayor
City of Winsted

ATTEST:

Raquel Kirchoff
City Clerk-Treasurer
City of Winsted