

City of Winsted
City Council Meeting
Council Chambers
Tuesday, May 19, 2015
6:00 p.m.

Present: Mayor Steve Stotko
Council Member Bonita Quast
Council Member Max Fasching
Council Member George Schulenberg

Absent: Council Member Tom Ollig

Staff Present: Mr. Clay Wilfahrt, City Administrator
Ms. Deborah R. Boelter, City Clerk-Treasurer
Mr. Dave Meyer, Public Works Department Maintenance Supervisor
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

Schulenberg Motioned to add agenda. Fasching seconded the motion.

Mayor Stotko read the Consent Agenda.

a) Minutes – April 13, 2015 Planning Commission Meeting

Accepted the minutes of the April 13, 2015 Planning Commission Meeting.

b) Resolution R-15-14 - Winsted Volunteer Fire Department Relief Association – Gambling Contribution

Approved Resolution R-15-14 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's Park Fund.

c) Resolution R-15-15 – Donation – Winsted Area Chamber of Commerce

Adopted Resolution R-15-15 to accept a donation from the Winsted Area Chamber of Commerce in the amount of \$125 to be dedicated to the Winsted Police Department for the year 2015 Bike Rodeo.

d) Resolution R-15-16 – Donation – Xcel Energy

Adopted Resolution R-15-16 to accept a donation from Xcel Energy in the amount of \$150 to be dedicated to the Winsted Police Department for the 2015 Bike Rodeo.

e) Resolution R-15-17 – Airport Maintenance and Operation Grant Agreement

Adopted Resolution R-15-17 to approve an amendment to Minnesota Department of Transportation, Office of Aeronautics, Grant Agreement, Number 03963, for Airport Maintenance and Operation for State Fiscal Year 2015 only.

f) Resolution R-15-18 – Public Hearing – Property Tax Abatement – Millerbernd Expansion Project

Adopted Resolution R-15-18 to call for a Public Hearing on Proposed Property Tax Abatement for the Millerbernd Expansion Project on June 2, 2015.

g) Liquor Licenses

Approved the Off Sale, On Sale, and Sunday Liquor Licenses from July 1, 2015 through June 30, 2016 for the following:

J and N Schlager Enterprises II The Blue Note 320 . 3 rd Street North	The Corner Bar and Grill of Winsted 111 . 1 st Street North
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The Woods Group Kegs Bar 121 . 1 st Street North	Hussong's Liquor . Off Sale Only 132 . 6 th Street North
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Approved the Liquor, Wine, Club or 3.2% License from July 1, 2015 through June 30, 2016 and waive the fee for said license for the following:

Winsted Baseball Club, Incorporated
Denis M. Campbell Baseball Field

Approved the 3.2% Off Sale Liquor License from July 1, 2015 through June 30, 2016 for the following:

Casey's General Store #1673
240 - 6th Street North

h) Licenses to Sell Tobacco Products and Tobacco Related Devices

Approved licenses to sell Tobacco Products and Tobacco Related Devices from July 1, 2015 through June 30, 2016 for the following:

Casey's General Store #1673 240 . 6 th Street North	G and J Foods, Incorporated 491 Main Avenue West
Hussong's Liquor 132 . 6 th Street North	J and N Schlager Enterprises II The Blue Note Ballroom 320 . 3 rd Street South
The Woods Group Kegs Bar 121 . 1 st Street North	DG Retail, Limited Liability Company Dollar General #15046 200 - 6 th Street South

i) Dance Permit

Approved a Dance Permit for the Blue Note Ballroom, 320 . 3rd Street South, for Wednesday, November 25, 2015.

j) Dance Permit

Approved a Dance Permit for the Blue Note Ballroom, 320 . 3rd Street South, for Friday, April 15, 2016.

k) Schedule Public Hearing – Ordinance O-15-05

Scheduled a Public Hearing for June 2, 2015 at 6:00 pm to consider implementing a cable television franchise to construct, operate and maintain a cable communication system with the City of Winsted, Minnesota.

l) Winsted American Legion – Temporary Liquor License

Approved a One (1) to Four (4) Day Temporary On-Sale Liquor License for the American Legion for August 8, 2015 and August 9, 2015 at Hainlin Park in Winsted, Minnesota during the Winsted Summer Festival.

m) April, 2015 Pledged Securities

Approved the Pledged Securities that Security Bank and Trust Company has purchased for the City of Winsted for the month of April, 2015.

n) April, 2015 Building Permit Report

Approved the April, 2015 Building Permit Report.

o) Claims

Approved the Claims List for May 19, 2015.

p) Resignation Notice – Winsted Police Department - Part-Time Police Officer

Accepted the resignation of employment by Mr. Matthew Olson as a Part-Time Winsted Police Department Officer effective May 15, 2015.

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

3) No Public Hearings.

4) No Old Business.

5) New Business

a) Temporary Acting City Administrator

Mr. Wilfahrt stated this summer there will be a period of time without a City Administrator between May 22, 2015 and late July, 2015 when the new City Administrator is expected to start. At the last work session there was a discussion about appointing a temporary acting City Administrator. During the last period of absence, Mayor Stotko stepped in and filled the position, and at the May 5th work session, Mayor Stotko indicated he would be willing to again fill in as the Acting City Administrator.

Staff is requesting the City Council approve a Temporary Acting City Administrator Agreement with Mayor Steve Stotko. The funding for the wages will come from the wages and salaries divided among the General, Water, and Sewer funds the same as the City Administrator.

Council Member Quast motioned to approve a Temporary Acting City Administrator Agreement with Mr. Steve Stotko. Council Member Fasching seconded the motion. Motion carried 3-0, Mayor Stotko abstained.

b) Resolution R-15-19 – Conditional Use Permit – Winstock Country Music Festival

Mr. Wilfahrt stated at the May 11, 2015, Planning Commission meeting, the Commission heard about a request from Verizon Wireless for a conditional use permit to allow for the use of a cell tower on wheels. This would be on a temporary basis every year during the Winstock music festival. A conditional use permit would allow this use to run with the property, which means they can do this annually without having to apply for a permit every single year. Even if the Council grants this request, they would still be able to go back and review the use and whether or not it fits the overall use in the community.

The cell tower would be put up at the beginning of the Winstock music festival and taken down at its conclusion. The proposal has met all of the provisions in the Code with the exception of the fencing provisions. City ordinance requires that that fencing be opaque but the Planning Commission indicated they are okay with the fence being non-opaque for security purposes.

Before the City Council is an approval resolution granting the conditional use permit. The Planning Commission voted 5-0 to recommend approval of the conditional use permit with conditions.

Mayor Stotko asked what a typical cell phone tower can handle. Stotko noted there will be approximately 15,000 people at this event.

Jared Andrews, Verizon Wireless Representative, stated in this case the tower is needed to handle the load from the participants of this event and provide 911 emergency service to the area. Andrews stated the tower would be brought in on a trailer and offloaded.

Council Member Schulenberg motioned to adopt Resolution R-15-19 to approve a Conditional Use Permit to allow a temporary communication facility referred to as a “cell on wheels” on a temporary basis every year during the Winstock Country Music Festival. Council Member Quast seconded the motion. Motion carried 4-0.

c) Articulating Wheel Loader – Public Works Department

Mr. Dave Meyer, Nuss Truck and Equipment, was in attendance at the meeting.

Mr. Wilfahrt stated an articulating wheeler loader is another name for a pay loader. As part of the capital improvement plan the City Council adopted earlier in 2015, the wheel loader was scheduled to be replaced this year. Staff believes it is time to replace the wheel loader since approximately \$10,000 has been spent in maintenance costs last year and the mechanic has indicated that there may be some major engine repairs in the near future. The wheel loader has approximately 7,200 hours on it and was acquired in 1997. The wheel loader is used for snow removal, installation of flags and banners, moving dirt and gravel, tree trimming, and other miscellaneous tasks.

Public Works Staff viewed a number of different pieces of equipment and settled on the Volvo L70H. This piece of equipment is less expensive than a Caterpillar and has significantly more cab room. In addition, the new pay loaders are required to have a fuel regeneration system in them. In past years that had to occur every eight hours of operation, which required that the machine be shut down for 15 to 20 minutes to regenerate. The new piece of equipment will only require it once every 500 hours of operation.

Mr. Wilfahrt stated attached is information for the Volvo L70H. The City would trade in their existing wheel loader and receive \$23,500 towards the purchase of the Volvo. As a result, the cost of the new Volvo would be \$146,230. The Capital Equipment Replacement Plan had \$160,000 budgeted for 2015 and currently has a balance of \$231,121. Mr. Wilfahrt noted this is the final purchase to be made from the fund this year. Following the purchase, the fund will have a balance of \$84,891.

Staff is recommending approval of the purchase.

Council Member Schulenberg asked if maintenance service would be readily available.

Mr. Meyer indicated they do have a truck available for pickup of the equipment. Mr. Meyer stated all of the other attachments on their equipment will also fit on this Volvo.

Mayor Stotko asked if it would be possible to get a loaner.

Mr. Meyer indicated at times they do have a loaner available.

Council Member Quast motioned to approve the purchase of a 2015 Volvo L70H from Nuss Truck and Equipment in the amount of \$146,230.00. Council Member Schulenberg seconded the motion. Motion carried 4-0.

d) Westside Skydivers and Skydive the Lakes

Kristin Merritt, Skydive the Lakes, was present.

Mr. Wilfahrt stated in April the City Council discussed an agreement with Skydive the Lakes, LLC. The agreement would also include a termination agreement with Westside Skydivers and a trespass and hold harmless agreement with Joe Johnson and Westside Skydivers. In addition, there would be an operations agreement between the City of Winsted and Skydive the Lakes, LLC. The idea behind the agreement is to sever the agreement between the City and Westside Skydivers and Joseph Johnson and begin a new agreement with Skydive the Lakes, LLC, which is owned by Kristin Merritt.

Mr. Wilfahrt stated there are some differences between the new agreement and the agreement it had with Westside. The first difference is the inclusion of a morals clause within the operation agreement which allows the City to terminate the contract after a hearing if any misconduct is found to have occurred. The agreement only goes through the end of 2015. At that time the Council would need to negotiate a new agreement if it so desired.

Mr. Wilfahrt noted Staff has prepared a cost analysis. The owner of Skydive the Lakes has agreed to share in \$1,500 of attorney fees the City has incurred as a result of what

has occurred between the City and Westside Skydiving should the Council choose to move forward with the new agreement.

Staff is looking for a motion from the City Council either adopting or denying the agreements.

Council Member Fasching noted the agreement is only until the end of 2015 and that he was skeptical at first about entering into a new agreement. Fasching stated he is hesitantly confident that the new agreement will work out.

Council Member Quast stated she hopes Ms. Merritt will be able to make the new operation a success.

Council Member Schulenberg stated in his view Ms. Merritt is attempting to put her best foot forward by contacting the neighbors and attempting to work with them by changing their flight patterns to reduce the noise.

Mayor Stotko stated Ms. Merritt has done a good job of reassuring the Council that this will be a different operation than Westside Skydiving and that the Council is giving her a chance to prove that to the community.

Council Member Fasching noted Ms. Merritt has requested that residents call her if they have a problem or an issue with her operation.

Quast motioned to approve the operations agreement between the City of Winsted and Skydive the Lakes, LLC, with the payment of \$1,500 in attorney fees being included; to approve the termination agreement between the City of Winsted and Westside Skydiving; and to approve the no trespass and hold harmless agreement between the City of Winsted and Joseph Johnson and Westside Skydiving, subject to City Attorney and City Administrator review. Schulenberg seconded. Motion carried 4-0.

6) Department Report

a) Winsted Lake Watershed Association

Ms. Merrybeth Burkman, Winsted Lake Watershed Association Treasurer, reported on the following:

Burkman stated the Winsted Lake Watershed Association helps in the management of Winsted Lake. The Winsted Lake fish population consists of northern, bass, crappie, sunfish, bullhead and walleye and, unfortunately, carp.

- The Association has 82 individual members and 28 business members. Membership is \$25 per year. Business membership is \$100.
- The Association puts out a newsletter twice a year to keep members informed.
- The Association also installs and maintains the aeration system during the winter months to control winter fish kill and also during the summer months to help control algae bloom.
- The Association monitors the spread of curly leaf pondweed, which is an invasive species found in Winsted Lake. Previous treatments have kept it in check, and as the weed was very sparse this year, no treatment was required.

- The Association maintains the rain gardens on the promenade, which involves weeding and replacing dead plants.
- The Association organizes the Lake Cleanup Day, which is conducted the first Saturday in May. The members gather winter trash as well as the thin ice signs that surround the aerator.
- The Association's members are active participants in the Winsted summer and winter festivals.
- Aside from the annual membership drive, there are two major fundraisers during the year. One is Billy Goat Bingo during the summer festival and the other is the plant sale held during the city-wide garage sale weekend.
- Past and current focus issues are establishing ways to help clean up the water that flows into the lake. The Association is currently seeing what can be done to encourage local farms to strip plant along the drainage ditch that enters the lake on the north shore, as the lake depth is getting shallower every year. The runoff also is a contributing factor in the algae bloom. The Association has been in contact with both Minnesota Department of Natural Resources (MN DNR) and McLeod County officials to see if anything can be done to help control runoff.
- Past surveys conducted in Winsted note that Winsted Lake is an important asset to the City of Winsted. The Association would like to see its membership grow and more involvement in its meetings and events. Any support from the City of Winsted would be appreciated. All past support is also appreciated.

Council Member Schulenberg asked if the MN DNR has provided any information on runoff control.

Ms. Burkman indicated there is currently a law on the books regarding strips being planted but that enforcement is a problem due to a lack of resources. Ms. Burkman stated their Association attempts to educate the farmers on runoff.

Council Member Schulenberg asked for information regarding the sand bar that is now developing.

Ms. Burkman indicated the sand bar is a result of the ditch, which means that McLeod County will not take care of it, and that the Association will need to perform dredging if it desires to get rid of it. Ms. Burkman stated even if dredging is performed, without cooperation from the farmers, the sand bar would likely return.

Mr. Wilfahrt asked if the new buffer law would have any impact on it.

Ms. Burkman stated it is similar to a law already on the books and simply adds more footage on to the buffer, but without enforcement, it likely will not accomplish much.

Council Member Schulenberg stated the Association should contact the MN DNR about screens to help prevent the sand bar. Schulenberg stated the screens are expensive but they do work.

7) No Open Forum.

8) Announcements

Mayor Stotko noted this is City Administrator, Mr. Clay Wilfahrt's last meeting and that he has done a fine job during his time at the City.

9) Adjournment

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

The meeting was adjourned at 6:50 p.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Deborah R. Boelter

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