

City of Winsted
City Council Meeting
Council Chambers
September 6, 2011
6:00 p.m.

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

Staff Present: Brad Martens, City Administrator
Deborah R. Boelter, City Clerk-Treasurer
Fran Eggert, City Attorney

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

a) The Pledge of Allegiance was taken.

b) Winsted Wildcats Baseball Day

Mayor Stotko proclaimed Monday, September 12, 2011 as Winsted Wildcats Baseball Day.

2) Consent Agenda

Council Member Mochinski motioned to adopt the Consent Agenda as presented. Council Member Schulenberg seconded. Motion carried 5-0.

a) Minutes – City Council Work Session – August 16, 2011

Accepted the minutes of the City Council Work Session of August 16, 2011.

b) Minutes – City Council Regular Meeting – August 16, 2011

Accepted the minutes of the City Council Regular Meeting of August 16, 2011.

c) Minutes – City Council Work Session – August 30, 2011

Accepted the minutes of the City Council Work Session of August 30, 2011.

d) Emergency Medical Services (EMS) Refresher Instruction – Minnesota State Colleges and Universities

Authorized the execution of an agreement with Minnesota State Colleges and Universities to conduct an EMS Refresher Instruction for the Winsted Volunteer Fire Department on the following Wednesdays; September 7, 2011, January 4, 2012, and May 2, 2012 for \$2,436.

e) Salary Step Increases – Staff

Authorized a salary step increase for Mike Henrich (Police Chief), effective January 1, 2011.

Authorized a salary step increase for Jim Lammers (Police Officer), effective January 1, 2011.

Authorized a salary step increase for Dave Meyer (Public Works Maintenance Lead), effective January 2, 2011.

Authorized a salary step increase for Raquel Kirchoff (Administrative Assistant), effective April 19, 2011.

Authorized a salary step increase for Deb Boelter (City Clerk-Treasurer), effective July 19, 2011.

Authorized a salary step increase for Justin Heldt (Police Officer), effective August 7, 2011.

Authorized a salary step increase for John Schlechter (Public Works Department), effective August 23, 2011.

Authorized a salary step increase for Amanda Zeidler (Utility Billing and Payroll Clerk), effective September 9, 2011.

f) 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, 2011.

g) 2011 Improvement Projects – Winsted Municipal Airport

Accepted the grant offer issued by the authority of the Administrator of the Federal Aviation Administration for the 2011 Improvement Projects at the Winsted Municipal Airport.

h) Claims

Approved the claims list for September 6, 2011.

3) No Public Hearings.

4) Old Business

a) Washouts – City Hall – Lakefront Promenade

Martens stated that on July 10, 2011, two (2) washouts occurred on the shoreline of Winsted Lake just east of City Hall due to a large rain event. Initial consultation with the City Engineer resulted in a recommendation to at minimum fill the washouts in with heavy clay, drain tile from top, riprap at outlet, permanent erosion mat and vegetative plantings. A secondary option would be to install drain tile along the length of the patio, with riprap north of the washout. It was estimated that the repair would cost between \$50,000 - \$77,000, depending on the method.

In order to have a better understanding of the problem, the City ordered the City Engineer, Jake Saulsbury, to complete a survey of the property draining towards the area. The results of this survey were presented at the August 16, 2011 City Council meeting. At the meeting, the City Council felt that there was insufficient information to make a decision and requested a Drainage and Repair plan that could handle a five (5) inch per hour rainfall.

Martens stated that Saulsbury further reviewed the drainage area in order to provide additional options for storm water abatement. In general the findings are as follows:

1. Inlet capacity at First (1st) Street North is severely lacking so that in a five (5) inch per hour rain event, fifty percent (50%) of the water cannot be handled and flows toward the south washout area.
2. The pipe running from the two (2) catch basins near the south washout to the lake is twelve inches (12") in diameter and is not sufficient to remove the water quick enough to avoid a back up in a large rain event.

3. The catch basin in the City Hall parking lot on the north side of the building is not sufficient to remove the water quick enough to avoid a back up in a large rain event.
4. The existing storm water system near the south washout can handle a rain event of approximately 2.2 inches per hour.
5. The existing storm water system near the north washout can handle a rain event of approximately 3.9 inches per hour; however, the water currently travels on the surface to the lake which caused the washout.

Martens stated that the Saulsbury put together a plan that would accommodate a large inch per hour rain event. In addition to the options below, it is estimated that slope restoration will cost approximately \$41,700.

Saulsbury presented the following options for the City Council to consider:

South Washout

1. Replace the twelve inch (12") pipe from the two (2) catch basins near the south washout to the lake with a fifteen inch (15") pipe which would allow the system to handle a 4.9 inch per hour event. The cost to do this work is estimated at \$33,000.
2. In addition to the work described above, additional catch basins could be installed on First (1st) Street North for a cost estimated at \$22,800. Both options together would allow the system to handle a 6.2 inch per hour rain event.
3. Add a drain tile along the sidewalk between the washouts to help eliminate sub-surface draining at a cost of \$6,400.

North Washout

1. The installation of a twelve inch (12") pipe from the existing twelve inch (12") storm sewer to the lake would maintain the systems ability to handle a 3.9 inch per hour rain event; however, the water would be sub-surface avoiding the potential for a washout. The cost to do this work is estimated at \$5,700.
2. An additional catch basin could be installed in the parking lot which would allow for this system to handle a 6.2 inch per hour rain event. The cost to do this work is estimated at \$6,800. This work is not recommended to be done, however, because water backing up in this area simply remains in the parking lot and does not overflow into the area in question.

Saulsbury stated that the recommended improvements include the three (3) options previously discussed at the August 16, 2011 Regular City Council meeting. These options include the slope restoration, the sidewalk drain tile, and the outlet from the retaining wall to the lake.

A summary of all of the estimated construction only costs is as follows:

- Original Option A (Slope Restoration): \$41,700
- Original Option B (Sidewalk Drain Tile): \$6,400
- Original Option C (North Storm Sewer): \$5,700
- Adding a Catch Basin Structure on the South Side of City Hall: \$3,200

Saulsbury presented a proposed construction schedule. He stated that he would like to start construction in mid-October, 2011. Saulsbury stated that he would like to put winter construction as an alternate bid to determine if there would be a cost savings to the City by completing the project in January, 2012.

City Attorney, Fran Eggert asked if the City will need approval from the Minnesota Department of Natural Resources (MN DNR) before completing the project. Saulsbury stated no because the work is done above, and out of, the water.

Council Member Mochinski asked if the contractor will be required to install silt fencing before the project is started. Saulsbury stated yes. Council Member Mochinski asked if silt fencing is included in the bid. Saulsbury stated yes.

Council Member Ollig asked where the funding would come from. Martens stated that it would be paid from the Facilities Fund, which are the excess funds from the Public Works facility construction and the City Hall construction.

Saulsbury stated that he would consider Option A as absolutely necessary. Martens stated his recommendation to the City Council to repair the Lakefront Promenade washout would be to complete Option A, address the subsurface drainage with Option B, and also complete Option C. Saulsbury also recommended adding the catch basin structure on the south side of City Hall. Martens stated the total cost for all three (3) options and the additional catch basin structure would be \$57,000.

Council Member Ollig motioned to authorize City of Winsted staff to seek bids to repair the Lakefront Promenade washouts near City Hall based on recommendations by the City Engineer, Jake Saulsbury and the City Administrator, Brad Martens. Council Member Quast seconded. Motion carried 5-0.

b) Drainage Issues – 141 Fairlawn Avenue East

Martens stated that at the May 17, 2011 City Council meeting, Collin Botner, 141 Fairlawn Avenue East, addressed the City Council in regards to drainage issues taking place at his property and at the intersection of Fairlawn Avenue East and Fairlawn Circle. Mr. Botner referenced the delayed Fairlawn Circle Pavement Project in which the drainage issues were to be addressed and that he would like the City Council to at least consider fixing the drainage issues in the area. The City Engineer, Jake Saulsbury, was directed to work towards installing additional catch basins and to do an on-site inspection of the property to see if it is possible to assist Mr. Botner with the flooding problems.

Martens stated that a survey of the area was completed and it was found that the existing system can handle a rain event of approximately .6 inches per hour. Saulsbury prepared two (2) options for the City Council to consider that would address the drainage issue.

Saulsbury presented the following options;

Option One (1): \$40,600

1. Install new dual catch basins on Fairlawn Avenue East and connect to the system with a fifteen inch (15") pipe.
2. Construct a new man hole casting to allow for an additional outlet pipe.
3. Construct an additional twenty-four inch (24") outlet pipe from Fairlawn Avenue East to the existing drainage ditch.

Option one (1) will result in the system handling a rain event of approximately 2.6 inches per hour without modifying the property used by Mr. Botner. The ability to handle a 2.6 inch per hour rain event is not sufficient to prevent further flooding.

Option Two (2): \$34,000

1. Install new dual catch basins on Fairlawn Avenue East and connect to the system with a fifteen inch (15") pipe.
2. Install a berm to increase slope of the new outlet pipe (item four (4) below).
3. Relocate existing driveway and shed and install a swale from Fairlawn Avenue East to the existing drainage ditch.
4. Install a twenty-four inch (24") outlet pipe from Fairlawn Avenue East to the end of the berm, releasing water into the swale.

Option two (2) will result in the system handling a rain event of approximately 4.4 inches per hour but will require adjusting the property currently used by Mr. Botner. The changes in option two (2), however, take place on City owned property.

Martens stated that both options were discussed with Mr. Botner and option two (2) was preferred due to the significant increase in the system. Mr. Botner stated, however,

that he wishes to retain access to his garage below and also would be open to paying for driveway reconstruction as part of the project, if he could make payments to the City over an extended period of time.

Martens stated that he also discussed the proposed project with the Mr. Botner's neighbors, 147 Fairlawn Avenue East, and did not receive any comment from them.

Council Member Mochinski asked how Mr. Botner feels about moving his shed. Martens stated that he was agreeable to it.

Council Member Ollig asked if there is a safety cover for the proposed swale chute. Saulsbury stated that he did not include a safety cover. Saulsbury continued by stating that he has installed swales in other communities and it has not been a safety issue.

Council Member Ollig stated that it was his understanding that Option One (1) is the better option to mitigate the drainage issues; but, it would be more cost effective to do Option Two (2).

Saulsbury stated that his recommendation would be Option Two (2). He continued by stating he believes it is the better option and more effective at mitigating the flooding and drainage issues than Option One (1).

Council Member Ollig motioned to authorize the City of Winsted staff to seek bids to mitigate drainage issues at 141 Fairlawn Avenue East under the scope of work detailed in Option Two (2). Council Member Schulenberg seconded. Motion carried 5-0.

Saulsbury asked who would be responsible for paying for the replacement of the driveway. Quast stated that it should be a private expense paid by the property owner. Eggert asked if the driveway was installed by the property owner. Council Member Quast stated that the driveway was installed by the property owner. The City Council discussed and agreed that replacement of the driveway should be paid by the property owner.

5) **New Business**

a) **Ordinance O-11-09 – Section 1501 Zoning Ordinance Amendments – Municipal Development Group**

Cynthia Smith-Strack, Municipal Development Group, presented to the City Council the 2011 Zoning Ordinance amendments in Chapter Fifteen (15) of the Municipal Code of the City of Winsted for their consideration.

Eggert presented an amendment to Chapter Fifteen (15) for the City Council to consider regarding a "Moratorium on Certain Types of Businesses and Activities". Eggert stated that the timeframe for the moratorium has expired and so section 1501.024 should be removed from the Ordinance.

Council Member Ollig thanked Ms. Strack for her leadership in guiding the Planning Commission to review the Zoning Ordinance and establishing the amendments presented in Ordinance O-11-09.

Council Member Quast motioned to adopt Ordinance O-11-09 amending the City's Zoning Ordinance through repeal and replacement of Section 1501 of the City Code and to include removal of the Moratorium on Certain Types of Businesses and Activities, Chapter Fifteen (15), Section 1501.024. Council Member Schulenberg seconded. Motion carried 5-0.

b) **Resolution R-11-21 – 2012 Preliminary Levy**

Martens presented the 2012 Preliminary General Fund Budget and Levy.

Council Member Ollig motioned to adopt Resolution R-11-21 certifying the 2012 Preliminary Levy in the amount of \$1,173,510. Council Member Quast seconded. Motion carried 5-0.

c) Resolution R-11-22 – Joining the National Day of Remembrance of the Tenth (10th) Anniversary of September Eleventh (11th)

Martens stated that the United States Senate unanimously passed a resolution (Senate Resolution 237) calling on all Americans to participate in a Moment of Remembrance on September 11, 2011. For one (1) minute, first responders, houses of worship, cities, and others throughout the country will sound sirens and bells in a signal to each of us to STOP AND REMEMBER the tenth (10th) anniversary of the tragedies of September 11, 2001.

The City of Winsted along with the McLeod County Sheriff's Office will be honoring the tenth (10th) anniversary of the September eleventh (11th) attacks on the United States of America by sounding all civil defense sirens and emergency vehicle sirens for one (1) minute on September 11, 2011 at 12:00 pm.

Martens stated that it is requested that all citizens pause during that time to honor and remember the people that were lost as well as those people whose lives have been changed forever.

Council Member Quast motioned to adopt Resolution R-11-22 joining the National Day of Remembrance of the Tenth (10th) Anniversary of September Eleventh (11th). Council Member Mochinski seconded. Motion carried 5-0.

d) Resolution R-11-23 – Detachment of Certain Land Pursuant to Minnesota Statutes § 414.06

Martens stated that Bob and Teresa Hoffman wish to build a home and large shed at a property on Grass Lake Road described as follows:

That part of Government Lot 1, Section 10, Township 117 North, Range 27 West, McLeod County, Minnesota, lying westerly of a line described as follows:

Commencing at the southwest corner of GRASS LAKE FARM SECOND ADDITION, according to the recorded plat thereof; thence North 0 degrees 14 minutes 44 seconds West, assumed bearing, along the westerly line of said GRASS LAKE FARM SECOND ADDITION 562.94 feet to an angle point in the westerly line of said GRASS LAKE FARM SECOND ADDITION; thence North 12 degrees 31 minutes 20 seconds East, along said westerly line 41.01 feet; thence South 82 degrees 26 minutes 26 seconds west 144.30 feet; thence northerly, 40.40 feet along a non-tangential curve concave to the east having a radius of 656.81 feet and a central angle of 3 degrees 31 minutes 26 seconds, the chord of said curve bears North 5 degrees 47 minutes 51 seconds West; thence South 85 degrees 57 minutes 52 seconds West, not tangent to said curve 265.93 feet; thence North 0 degrees 23 minutes 51 seconds West 118.09 feet; thence North 36 degrees 15 minutes 20 seconds West 78.45 feet; thence South 44 degrees 10 minutes 03 seconds West 75.65 feet; thence North 89 degrees 27 minutes 58 seconds West 100.01 feet; thence South 89 degrees 45 minutes 16 seconds West 100.00 feet; thence South 0 degrees 23 minutes 51 seconds East 45.23 feet; thence South 89 degrees 36 minutes 09 seconds West 259.99 feet; thence South 0 degrees 25 minutes 45 seconds East 690.16 feet to south line of said Government Lot 1 and the point of beginning of the line to be described; thence North 0 degrees 25 minutes 45 seconds West 1024.07 feet; thence northeasterly, along a tangential curve concave to the southeast, said curve has a radius of 298.00 feet and a central angle of 90 degrees 12 minutes 58 seconds, 469.22 feet to the north line of said Government Lot 1 and said line there terminating.

Martens stated that the aforementioned property is currently in the City limits; however, municipal water and sewer services do not exist. In order to build a home on the property, municipal water and sewer services would need to be extended or the City

would need to allow a well and septic system. Additionally, the Hoffman's have requested to build an accessory structure larger than allowed by the R1 Single Family Residential District Ordinance regulations. It was requested that the City of Winsted approve a variance for the above conditions or detach the property from the City of Winsted.

The above request was received by the Planning Commission at their July 13, 2011 meeting. The Planning Commission found that the variance request would most likely not be able to be approved based on Ordinance language. The Planning Commission recommended that the City Council consider the detachment of the property from the City limits.

Martens stated that the process to detach land that is already part of a city (remove it from the city boundaries) requires the approval of Municipal Boundary Adjustments. To qualify, the land must be adjacent to the city's boundaries, rural in character, and not developed for urban-residential, commercial or industrial purposes.

Martens stated that the following procedures govern the process of detaching land: Municipal Boundary Adjustments must receive a petition requesting the detachment. The petition may be initiated by City Council resolution or by the owners of the land to be detached. If the land constitutes less than 40 acres, all of the property owners must sign the petition. If the land is more than 40 acres, the signatures of seventy-five percent (75%) of the owners are sufficient. The petition must describe the boundaries of the land, the resident population, the number and character of any buildings on the land, and any city improvements to the land.

Unless the city and the owners of the land to be detached submit identical petitions, Municipal Boundary Adjustments must hold a hearing on the proposal. Municipal Boundary Adjustments may also apply the alternative-dispute-resolution process authorized in Minnesota state law. After the hearing, Municipal Boundary Adjustments must issue its order. No popular vote is necessary in any detachment proceedings. Municipal Boundary Adjustments may grant the petition if it finds:

- The conditions set forth in the petition exist;
- The detachment would not affect the symmetry of the detaching city; and
- The land is not needed for reasonably anticipated future development of the detaching city.

Municipal Boundary Adjustments may deny the detachment if it finds the remainder of the city cannot continue to carry on the functions of government without undue hardship.

Martens stated that the City of Winsted has received a petition from the property owners and the required Resolution has been prepared for City Council consideration and approval.

Martens stated that extending water and sewer services to the property located at Grass Lake Road would be a significant expense to the City of Winsted so detachment of the property would eliminate the need to extend water and sewer services.

The filing fee for a detachment request is five dollars (\$5) per acre with a one hundred dollar (\$100) minimum. The property requested for detachment is 20.5 acres in size. Detachment from the City limits will reduce property taxes payable to the City of Winsted.

Council Member Ollig motioned to adopt Resolution R-11-23 detaching property from the Winsted City limits. Council Member Mochinski seconded. Motion carried 5-0.

e) Storm Drain Erosion and Corrosion Protection

Martens stated that over the past several years, the mortar in many of the storm drains around Winsted has been eroding due to expansion and contraction from the changing of seasons. This erosion results in the undermining of the street around the storm sewer.

For several years, the Public Works Department has tried to repair the problem which has not been very successful in eliminating the issue. The proposed erosion and corrosion protection will provide an Epoxy Flex Seal solution which will alleviate the erosion and corrosion of the storm drains.

Martens presented two (2) quotes that the City received for the purpose of storm drain erosion and corrosion protection:

Ess Brothers and Sons, Incorporated	\$460.63 per storm drain
Underground Utility Specialists	\$646.59 per storm drain

The quote from Ess Brothers and Sons, Incorporated is significantly lower than Underground Utility Specialists and is recommended for acceptance.

Martens stated that there are twenty-nine (29) storm drains that need repair and the cost to repair each storm drain varies on actual conditions. Public Works has spoken with Ess Brothers and Sons, Incorporated who estimates that the average cost per storm drain will be approximately \$325; however, the maximum could be \$460.63. The request is to approve storm drain erosion and corrosion protection in the amount not to exceed \$13,358.27 ($\$460.63 \times 29 = \$13,358.27$). The actual cost should be closer to \$10,000 as most storm drains will not need the maximum amount of repair.

The cost of the storm drain erosion and corrosion protection will be paid for out of the Public Works, Storm Sewer budget account number E 101-43000-233. The repair will exceed the budgeted amount for storm sewer repair; however, the overall Public Works budget is sufficient for the purchase due to street seal coating coming in significantly under budget.

Dave Meyer, Public Works Maintenance Lead, presented pictures detailing the deterioration of the storm drains located on various Winsted City streets.

Meyer stated that he has discussed the proposed process used by Ess Brothers and Sons, Incorporated with the City's Engineer, Jake Saulsbury, and also contacted other cities that have repaired their storm drains and they were satisfied with the repairs and stated that the process was successful in alleviating the erosion and corrosion of the storm drains.

Council Member Mochinski motioned to approve the quote from Ess Brothers and Sons, Incorporated for the purpose of storm drain erosion and corrosion protection. Council Member Ollig seconded. Motion carried 5-0.

6) Department Report

a) Public Works Department

Dave Meyer, Public Works Department Maintenance Lead, reported on the following:

- The Department has trimmed trees at the Winsted Volunteer Fire Department and at various locations throughout the City.
- There were six (6) dead trees removed from various location throughout the City.
- Maintained brush at the brush site.
- Assisted in repair and maintenance of the Winsted Municipal Airport's runway.
- Picked up several tree branches that fell in the City of Winsted after severe storms.
- Repaired the credit card reader gas pump at the Winsted Municipal Airport.
- Sprayed the City parks and Lakefront Promenade for weeds.
- Continued maintenance of City parks and facilities.
- Installed new mulch in Mill Reserve Park before Winsted Summer Festival.
- Placed planted flower boxes in the downtown area and maintained them throughout the summer.
- Street sweeping.
- Monthly reading of automatic water meters.

- Posted water and sewer shut-off notices.
- Turned off water connections for non-payment.
- Sickie mowed weeds several times along the streets in Winsted.
- LiquiVision cleaned the water tower. The City's three (3) year contract with LiquiVision has expired so the Public Works Department will be presenting a new one to the City Council in the future.
- Assisted with the delivery and pick-up of the City's picnic tables for Winstock Country Music Festival, Winsted Summer Festival and Higher Ground Music Festival.
- Installed and removed the American Flags throughout the City during the Festivals and specific holidays.
- Service the Winsted Police Department's squad cars.
- Street crack filling was completed by Bargaen, Incorporated.
- Seal coating was completed by Pearson Brothers, Incorporated.
- Completed street painting-cross walks and parking lines.
- Repaired the front wheel seal on the backhoe.
- Hang some blight notices.
- Attended pre-construction meeting for the Kingsley Lift Station improvements.
- Completed Winsted Summer Festival clean-up.
- Completed blacktop work on storm sewers located throughout the City.

Council Member Ollig asked if there has been any indication of emerald ash bore in the City of Winsted. Meyer stated no; they have evaluated the dead ash trees in the City and there was no sign. Meyer stated that the Minnesota Department of Natural Resources (MN DNR) has placed traps in the City of Winsted to determine if there are any emerald ash bores.

Council Member Ollig asked about the torn temporary fencing in Barrett Park and inquired if it is owned by the City. Martens stated that the temporary fencing was damaged due to vandalism, which has been addressed by the Winsted Police Department. Martens also stated that the temporary fencing is owned by the Winsted Baseball Association and they have purchased a new one. They will install it next summer, 2012 baseball season.

7) **No Open Forum.**

8) **No Announcements.**

9) **Adjournment**

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

The meeting was adjourned at 7:20 p.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Deborah R. Boelter

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