

City of Winsted  
City Council Meeting  
Council Chambers  
April 7, 2009  
6:00 p.m.

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

Staff Present: Brent Mareck, City Administrator  
Deb Boelter, City Clerk-Treasurer  
Fran Eggert, City Attorney  
Mike Mensen, Police Officer

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

a) The Pledge of Allegiance was taken.

Mayor Stotko read a Proclamation recognizing and congratulating the Howard Lake-Waverly-Winsted (HLWW) High School Boys Basketball team for their championship win in the Section 5AA high school basketball play-offs and 4<sup>th</sup> Place in the State of Minnesota Class 2A Boys Basketball Tournament.

Mayor Stotko read a Proclamation recognizing and congratulating the Howard Lake-Waverly-Winsted (HLWW) High School Girls Basketball team for their championship win in the Section 5AA high school basketball play-offs and 2<sup>nd</sup> Place in the State of Minnesota Class 2A Girls Basketball Tournament.

2) Consent Agenda

**Mochinski motioned to adopt the Consent Agenda as presented. Quast seconded. Motion carried 5-0.**

a) Minutes - City Council Work Session – March 17, 2009

Accepted the minutes of the City Council Work Session of March 17, 2009.

b) Minutes – Regular City Council Meeting – March 17, 2009

Accepted the minutes of the Regular City Council Meeting of March 17, 2009.

c) City Hall Closed – April 10, 2009

Authorized the closing of City Hall on Friday, April 10, 2009 at 12:00 noon.

d) Land Lease – Jim Hausladen

Approved a lease with Jim Hausladen to farm approximately six (6) acres adjacent to the City of Winsted Wastewater Treatment Plant for two (2) years for \$1,800 (\$900 annual payment).

e) Maintenance Agreement – McLeod County

Approved a two (2) year maintenance agreement with McLeod County, exchanging plowing and street sweeping services for seal coating in the amount of \$13,750.

f) Handrail System – Winsted City Hall

Authorized the purchase of a handrail system for the front plaza of City Hall by Millerbernd Design and Fabrication for \$2,120.

g) Fire Protection Agreement – Winstock Country Music Festival

Approved a Fire Protection agreement between the City of Winsted and the Church of the Holy Trinity for fire protection services by the Winsted Volunteer Fire Department during the Winstock Country Music Festival held on June 11, 12, and 13, 2009.

h) Fire Protection Agreement – Higher Ground Music Festival

Approved a Fire Protection agreement between the City of Winsted and the Church of the Holy Trinity for fire protection services by the Winsted Volunteer Fire Department during the Higher Ground Music Festival held on August 14 and 15, 2009.

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

j) Temporary On-Sale Liquor License – Holy Trinity Spring Fling Dinner

Approved a one (1) to four (4) day temporary On-Sale Liquor License for Holy Trinity's Spring Fling Dinner and Auction on April 18, 2009 at the Holy Trinity School Gym.

k) Claims

Approved the Claims List for April 7, 2009 in the amount of \$ 88,796.49, check numbers 7800-7818, 500263E, 500271E and 15214-15274.

3) Public Hearings

a) Sign Ordinance – Ordinance O-09-04

Mareck stated that over the last several months, the Planning Commission has reviewed possible changes to the sign ordinance. Specifically, the Planning Commission addressed amendments to temporary and/or portable signs and the placement of signs in the right of way and on city property.

Mareck presented the proposed amendments.

Mareck stated that the draft sign ordinance was revised and presented to the Planning Commission at their March 11, 2009 meeting where they unanimously recommended approval of the ordinance. In addition, the sign ordinance amendments were presented at the last general membership meeting of the Winsted Area Chamber of Commerce (WACC).

A suggestion was made during the WACC meeting that the ordinance should regulate the length of time that a sign advertising an event with a specific time and date can be erected. The Planning Commission's goal for the amended ordinance was to provide adequate regulation with limited permitting and enforcement criteria; consequently, no such language is included in the proposed amendment to the ordinance.

Don Guggemos, 137 Fairlawn Avenue East, addressed the City Council. Guggemos stated that the membership at the WACC general membership meeting discussed the time limit that a temporary and/or portable sign should be allowed to remain erected after an advertised event is over. Guggemos stated that the WACC membership believed that a time limit should be stated in the Sign Ordinance.

Quast stated that all temporary and/or portable signs should be required to be removed three (3) days after an advertised event is over.

**Ollig motioned to adopt Ordinance O-09-04 amending certain sections of the Winsted Sign Ordinance with the addition that temporary and/or portable signs be removed within seventy-two (72) hours after an advertised event is over. Quast seconded. Motion carried 5-0.**

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

4) Old Business

a) Storm Sewer Outlet – Lake Bank

Mareck stated that at the March 17, 2009 Regular City Council meeting, the City Council authorized the City Hall Construction Committee to review options to repair a storm sewer outlet that was constructed during the city hall project. The outlet failed due to the inability of the contractor to follow the specifications for construction. Greystone Construction Company (Greystone) had proposed to reconstruct the outlet using a “beefier” specification compared to the original specification. The proposal specifically included a larger style “rip-rap” to be used in stabilizing the lake bank in the project area.

The Committee met with the City Engineer, Jake Saulsbury, and reviewed Greystone’s proposal, as well as a manhole system to correct the problem. The Committee found that the manhole system option provided the best long term solution and countered Greystone’s proposal by submitting that Greystone be responsible for fifty percent (50%) of the estimated project costs to construct the manhole. Greystone found these terms to be acceptable on the condition that the City waive them of any future liability on erosion issues that may occur along the lake bank.

Mareck presented the cost of the proposed options to repair the storm sewer outlet:

Greystone Rip-Rap (Option A) - \$5,489  
Manhole System (Option B) - \$16,489 (\$8,244.50 – fifty percent (50%))

Mareck stated that the City Hall Construction Fund has a balance sufficient to cover the constructions costs for this project.

Mareck stated that Saulsbury believes that the manhole system option provides the best long term solution for the repair of the storm sewer outlet. Due to the cost and the added benefit the manhole system option provides, it’s highly likely that Greystone would provide a legal challenge to paying one hundred percent (100%) of the project costs for such a manhole system.

The “rip-rap” option would be susceptible to regular maintenance and would prolong the City’s relationship with Greystone on this project. Under the manhole option, the city would bid and select a contractor for the project.

Mareck stated that regarding future erosion issues along the lake bank, the \$3,000 difference between the “rip-rap” option and the “manhole” system option will be sufficient to correct existing erosion issues. It would be difficult to hold Greystone Construction responsible for potential future erosion issues along the lake bank.

Mareck presented Saulsbury’s “Engineer’s Estimate” and sketches for the proposed options.

Mareck also presented the “Memo of Understanding” between the City of Winsted and Greystone Construction Company which states:

1. Greystone Construction Company shall provide to the City of Winsted by April 15, 2009 a change order issuing a credit in the amount of \$8,244.50 for work relating to the construction of a storm sewer outlet for the "Winsted City Hall Project".
2. The City of Winsted shall assume responsibility for the construction of and be responsible for any related construction expenses for the repair of the storm sewer outlet (exhibit a).
3. The City of Winsted shall hold harmless Greystone Construction Company and their subcontractors from any claims and/or damages arising from the original construction of the storm sewer outlet.
4. The City of Winsted shall hold harmless Greystone Construction Company and their subcontractors from any claims and/or damages relating to current or future erosion related deficiencies along the lake bank (exhibit b).

This document in no way waives or relieves Greystone Construction Company or their subcontractors from any other warranty or construction liability for the "Winsted City Hall Project."

Mareck stated that the "Memo of Understanding" has been reviewed by the City Attorney, Fran Eggert, and he has found it to be in good form and order.

Wiemiller asked if the City has the \$8,244.50 available in the City's budget. Mareck stated yes, the money is available in the City Hall Construction Fund.

**Wiemiller motioned authorizing an agreement to be executed waiving future liability against Greystone Construction Company for potential claims resulting from the construction of the storm sewer outlet or erosion that may occur along the lake bank in exchange for Greystone Construction Company issuing a change order in the amount of \$8,244.50 as a credit for this phase of the construction. Quast seconded. Motion carried 5-0.**

5) New Business

a) Street Maintenance Plan

Mareck stated that last year the City Council adopted a schedule, breaking the City's streets into seven (7) zones for seal coating. An amended schedule has been created that will allow seal coating to better coincide with crack filling, providing a better overall maintenance plan for the street system. In addition, as a cost saving measure, the updated seal coat schedule represents a switch from crushed granite to pea rock. Mareck stated that this switch should save the City approximately \$12,000.

Mareck presented the map detailing the zones.

In 2009, the schedule involves Zone 2 which includes the streets in Westgate, Andy Avenue, and Albert Avenue.

2009 Street Repairs – Budget

<b>Project</b>	<b>Cost</b>
Crack Filling	\$15,000
Seal Coating	\$17,000*
Miscellaneous Patching & Repair	\$19,000
<b>Total</b>	<b>\$51,000</b>

\* With McLeod County participating with \$13,750 of the estimated Zone 2 costs of \$30,277.

Mareck recommended that over the next year the City should work on creating a crack filling schedule for the City's streets.

After reviewing the Seal Coat Zones schedule, Wiemiller asked if the seal coating for Shady Creek should wait until the year 2013. Saulsbury stated that it would be best for it to be completed sooner than 2013. Mareck stated that if the Public Works Department evaluates the streets and they believe that Shady Creek should be seal coated before the year 2013, it can be moved up on the schedule.

**Ollig motioned to adopt the amended City of Winsted Seal Coat Schedule. Wiemiller seconded. Motion carried 5-0.**

**Ollig motioned to authorize crack filling (\$1.07 per lb.) by Bargen, Incorporated in coordination with the seal coat schedule at a cost not to exceed \$15,000. Quast seconded. Motion carried 5-0.**

b) Pavement Management Plan

City of Winsted Engineer, Jake Saulsbury, Bolton and Menk, Incorporated, outlined the process associated with developing a Pavement Management Program (PMP) for the City of Winsted. Saulsbury stated that the purpose of a PMP is to maintain serviceable street and utility infrastructure capable of meeting the needs of the citizens of Winsted in a reliable and cost effective manner. The program will guide uniform evaluation of facilities and establish priorities based on need and community benefit. The overall goal is to provide safe and usable local infrastructure wherein each street and utility line meets an acceptable condition standard, while at the same time fairly allocating the costs of the improvements.

At present, Winsted has approximately ten (10) miles of bituminous streets that need to be maintained. Approximately sixty percent (60%) of these streets were constructed over forty (40) years ago and are past their useful life or are nearing the end of their useful life. Structural composition, age, poor soils, and inadequate drainage render normal maintenance activities an unfeasible option for preserving a significant percent of these roads in an acceptable pavement condition.

Saulsbury outlined the Work Plan for preparing a PMP:

1. Obtain infrastructure information and background information – **Has Been Completed**
  - a. Street and utility base maps, record plans, previous planning reports, etcetera.
  - b. Street data – age, widths, lengths, maintenance records, curb & gutter types, etcetera.
  - c. Utility data – age, material types, lengths, maintenance records, etcetera.
  - d. Known problems, concerns, etcetera.
2. Evaluate the existing system – **Has Been Completed**
  - a. Determine the pavement condition index of each street segment.
  - b. Determine the appropriate method of rehabilitation for each street segment.
  - c. Tabulate necessary utility repairs.
  - d. Calculate the present cost of recommended street and utility work.
3. Create an assessment policy – **Draft Policy Has Been Completed**
  - a. Determine an equitable cost sharing approach.
  - b. Address the corner lot issue.
  - c. Present draft policy to the City Council.
  - d. Revise and adopt.
4. Prepare a draft PMP
  - a. Obtain staff and/or City Council directive for acceptable funding levels.
  - b. Determine individual projects.
  - c. Rank priorities and establish schedules.
  - d. Identify funding sources.
  - e. Present draft plan to the City Council.

- f. Conduct a public open house – either as informational or to receive input.
5. Prepare the final PMP
- a. Revise PMP based on City Council, staff, and public input.
  - b. Input projects and costs into the City's Capital Improvement Plan (CIP).
  - c. Present the final plan to the City Council.
  - d. Adopt the PMP and implement it.

Saulsbury outlined the costs associated with developing the PMP for the City of Winsted. Bolton & Menk, Incorporated proposes to assist in the preparation of Winsted's Pavement Management Program for a lump sum fee of \$7,500. This fee is based on the remaining work plan outlined above and assumes attendance at two Council meetings, two Council workshops, and one public meeting. Of the work plan identified above, please note that the City is approximately halfway through this entire process and would be able to start on step three (3), the creation of the assessment policy.

Mareck stated that the fee is proposed to be split into two (2) phases. Phase one (1) in the amount of \$4,500 would be billed in 2009, and then phase two (2) in the amount of \$3,000 would be billed in 2010.

Saulsbury stated that additional items such as sanitary sewer televising and/or sanitary sewer flow metering could be completed to assist in identifying the City's needs and priorities. The management and coordination of these items are not included in the proposed fee. These items could also be addressed later as projects are identified. The City is currently experiencing excessive inflow and infiltration. This is easily tabulated by looking at the flow increase through the wastewater treatment facility during and after rain events. Televising the City's sanitary sewer mainlines and/or performing flow metering at targeted locations would identify the areas that are contributing to this and what would be needed to correct it.

**Quast motioned to authorize Bolton and Menk, Incorporated to prepare a Pavement Management Plan for the City of Winsted in the amount \$7,500 to be paid in phases, Phase one (1) in the amount of \$4,500 to be billed in 2009 and Phase two (2) in the amount of \$3,000 to be billed in 2010. Ollig seconded. Motion carried 5-0.**

- c) 2009 Winsted Municipal Airport Improvement Project – Acceptance of Bid

Mareck gave an overview of the proposed 2009 Winsted Municipal Airport Improvement Project.

Saulsbury stated that on March 31, 2009 eleven (11) bids were received for construction of the 2009 Airport Improvements at the Winsted Municipal Airport. The proposed improvements include the reconstruction of three (3) hangar taxi lanes, associated drainage improvements, and removal of on-airport obstructions in the Runway 27 approach. The low base bid summarized in the attached bid tab was \$150,386.31. K.A. Witt Construction, Inc. of New Prague, Minnesota, submitted the low base bid.

Evaluation of the bids indicates the bidding process was very competitive. The low bid submitted was twenty-two percent (22%) below the engineer's estimated amount of \$193,416.00 and forty-six percent (46%) below the high bid of \$277,026.00. The bid also included an alternate for the reconstruction of the apron area and a portion of the taxiway connecting the three reconstructed taxi lanes to the runway. K.A. Witt's bid price for the alternate was \$86,522.69.

Saulsbury recommended award of the project to K.A.Witt Construction of New Prague, Minnesota. The award price is \$150,386.31 if the City only wishes to proceed with the base bid. The award price is \$236,909.00 if the City wishes to also include the alternate. The original price in the Capital Improvement Plan is \$305,000 which also includes obstruction removals. The following table summarizes the award options, the resulting estimated total project cost, and the resulting estimated City share for each option:

Award Option	Low Bid Amount	Engineering, Administration & Miscellaneous Project Costs	Total Est. Project Cost	City Share (5%)
Base Bid Only	\$150,386.31	\$64,000	\$214,386.31	\$10,719.32
Base Bid + Alt. Bid	\$236,909.00	\$74,000	\$310,909.00	\$15,545.45

Saulsbury stated that the award is recommended to be contingent on receipt of grant funds from the Federal Aviation Administration (FAA). It is anticipated that the FAA will issue a grant to cover ninety-five percent (95%) of the total project costs. Due to a Congressional delay with the passing of the funding bill, the grant request due date of April 15, 2009 has been pushed back approximately one (1) month. Therefore, it is recommended that the contracts not be completed until after the City receives confirmation of the FAA grant. This results in an estimated construction start date of early to mid June, 2009. Grant requests can still be accepted at this time. The FAA is anticipated to begin writing grants by late May, 2009.

As previously discussed, this work will be funded by a Federal Entitlement grant. We recommend that staff submit a grant request to the FAA for an amount equal to the total estimated project cost of the selected option to cover this work and to avoid losing any portion of your Entitlement funds.

**Quast motioned to accept the base and alternate bid for the 2009 Winsted Municipal Airport Improvement Project from K.A. Witt Construction of New Prague, Minnesota in the amount of \$236,909.00. Ollig seconded. Motion carried 5-0.**

6) Department Report

a) People Service, Incorporated

Dan Wroge, People Service, Incorporated, reported on the following:

- Presented a Certificate of Commendation that the City of Winsted and People Service, Incorporated received from the Minnesota Pollution Control Agency (MPCA) recognizing exemplary effort expended in the year 2008, to comply with the MPCA's Permit Program for the operation of the City's Wastewater Treatment Facility(WWTF).
- Lift Station repairs have been completed and there are future repairs that will be needed.
- The WWTF's generator is being repaired and should be back tomorrow.
- The fall, 2008 sludge hauling to complete the required pond abandonment.
- Pond #1 has three (3) million gallons of sludge that needs to be removed. The schedule submitted to the MPCA says it will be removed this fall, 2009. Wroge will be obtaining quotes for the cost to remove the sludge and will be looking for farm land to dispose of the sludge. The City can request an extension for getting the sludge removed. Wroge will let the City Council know if it will be necessary to request an extension.
- Status of the City's MPCA Permit for the WWTF.

Wroge asked Saulsbury to present the process for developing a Facility Plan for any improvements that may be needed at the WWTF to treat phosphorus limits. Saulsbury stated that the City of Winsted has not received the MPCA Permit requirements at this time so a Facility Plan could not be developed until the City knows what the MPCA is going to require. Saulsbury did state that a Facility Plan is necessary to apply for Public Facilities Authority (P.F.A.) grant funding for improvements.

Don Guggemos, 137 Fairlawn Avenue East, addressed Saulsbury and stated that in the 1980s the City considered growing a particular type of weed in Winsted Lake to treat phosphorus limits and asked if this option could be presented to the MPCA. Saulsbury stated that it is highly unlikely that the MPCA would approve this option because their policy is to keep phosphorus out of lakes and any body of water. Saulsbury stated that

the Facility Plan would look at the chemical treatment versus the biological treatment of phosphorus limits.

Mochinski asked if the sludge in the sludge storage tanks can be sold to farmers as fertilizer in the future. Wroge stated no. It requires an extensive licensing process.

Wiemiller asked Wroge if the City should purchase another back-up generator in the future. Wroge recommended that the purchase of another generator be included in the Facility Plan.

7) No Open Forum.

8) Announcements

a) Board of Review – April 21, 2009

Mareck reminded residents that on Tuesday, April 21, 2009 at 5:00 p.m. the McLeod County Assessor will be available in the City Hall Council Chambers for the annual Board of Review giving residents an opportunity to challenge the assessment value of their property.

9) Adjournment

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

Respectfully submitted,

Deborah R. Boelter  
City Clerk-Treasurer