

City of Winsted
City Council Meeting
Council Chambers
May 4, 2010
6:00 p.m.

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

Absent: Council Member Tom Ollig

Staff Present: Brent Mareck, City Administrator
Deborah R. Boelter, City Clerk-Treasurer
Fran Eggert, City Attorney
Mike Henrich, Chief of Police
Dave Meyer, Maintenance Lead

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

a) The Pledge of Allegiance was taken.

2) Consent Agenda

Quast motioned to adopt the Consent Agenda as presented. Mochinski seconded. Motion carried 4-0.

a) Minutes - City Council Board of Review – April 20, 2010

Accepted the minutes of the City Council Board of Review of April 20, 2010.

b) Minutes – City Council Work Session – April 20, 2010

Accepted the minutes of the City Council Work Session of April 20, 2010.

c) Minutes – City Council Regular Meeting – April 20, 2010

Accepted the minutes of the City Council Regular Meeting of April 20, 2010.

d) Crack Filling – Barga Incorporated

Authorized Barga Incorporated to conduct crack filling at \$1.089 per pound installed with a budget not to exceed \$11,500.

e) Mosquito Control - Clarke

Authorized bi-weekly Mosquito Control services to be performed by Clarke for \$5,040. The City budgeted \$7,500 for 2010.

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 April, 2010.

g) Claims

Approved the Claims List for May 4, 2010.

3) No Public Hearings.

4) **No Old Business.**

5) **New Business**

a) **Local Government Aid Reduction – Resolution R-10-14**

Mareck presented Resolution R-10-14 outlining a Financial Plan for the City of Winsted's cut to their Local Government Aid (LGA) payment from the State of Minnesota.

Quast motioned to adopt Resolution R-10-14 setting expenditure reductions to manage cuts to Local Government Aid. Wiemiller seconded. Motion carried 4-0.

b) **Minnesota Investment Fund Loan – Five Star Direct**

Eggert presented a status report on the closing of Five Star Direct and the ramifications to the City of Winsted's Minnesota Investment Fund Loan with Five Star Direct.

Mochinski motioned to instruct the City Administrator, City Clerk and City Attorney to take all appropriate action in preparing the City's rights including pursuing all possible legal remedies to assure the same. Quast seconded. Motion carried 4-0.

c) **McLeod County Road 116 Turnback Project – City Engineer**

Mareck stated that McLeod County has approached the City of Winsted on a proposal to conduct a "turnback project" on McLeod County Road 116 (CR 116) in Winsted. CR 116 in Winsted consists of 3rd Street South and North, a small section of Albert Avenue, and 4th Street North. McLeod County is proposing to mill and overlay the street, repair storm sewer lines and intakes, add sections of sidewalk, and install new curb and gutter where they do not exist.

The City Council recently authorized the City Engineer to conduct a Feasibility Study on the project, which is now ready to be reviewed. In addition, in order to move forward with the project, the City Council would have to agree to enter into a Joint Powers Agreement with McLeod County. The agreement outlines the scope, costs and responsibilities for the project.

Mareck stated that in the last few weeks, a resident in Winsted has distributed a flyer regarding the CR 116 Turnback Project, which had some inaccurate details regarding the project. The City in turn mailed out correspondence to all property owners within the project area to communicate the current status of the project, as well as what they can expect for opportunities to comment on the scope and costs of the project.

Mareck presented the cost of the CR 116 Turnback Project:

Government Unit	Cost
City of Winsted	\$135,499.50
McLeod County	\$597,980
Total Project Cost	\$733,479.50

Mareck stated that the City's share of the financing would come from a variety of funding sources; however, the primary funding source would come from the "Facilities Fund," which has a year end cash balance of approximately \$91,000. The balance of the funding would be provided by adding the project to the City's Capital Improvement Plan.

Mareck stated that the City Attorney has reviewed the Joint Powers Agreement.

Saulsbury presented the Feasibility Study, the general Project Process and then the Joint Powers Agreement between the City of Winsted and McLeod County.

Quast asked Mareck if the proposed sidewalk is identified in the City of Winsted's Trail Plan. Mareck stated yes.

Mareck stated that the proposed Open House will be a good opportunity for property owners to comment on the project and what they would like to see happen on their property.

Mochinski motioned to enter into a Joint Powers Agreement with McLeod County for the McLeod County Road 116 Turnback Project. Quast seconded. Motion carried 4-0.

Quast motioned to accept the Feasibility Report for the McLeod County Road 116 Turnback Project. Wiemiller seconded. Motion carried 4-0.

Wiemiller motioned to schedule a Public Hearing on Tuesday, June 1, 2010 at 6:00 p.m. in the Council Chambers at City Hall to consider the McLeod County Road 116 Turnback and Third Street Improvement Project. Mochinski seconded. Motion carried 4-0.

6) Department Report

a) Winsted Police Department

Mike Henrich, Chief of Winsted Police Department, reported on the following:

- The Winsted Police Department's 2009 Year End report was e-mailed to all City Council members.
- Reviewed statistics featured in the 2009 Year End report.
- Officer Pohl is planning National Night Out to be held on August 5, 2010 at the Winsted Public School.
- Officer Pohl was at Winsted Area Chamber of Commerce's 2010 Women's Expo to present safety information. Partnered with Recovery Resources of Winsted.
- Officer Pohl is also preparing for the annual Bike Rodeo to be held on May 13, 2010 at 6:00 p.m.
- Officer Heldt attended a Leadership Class at Fort Ripley.
- Officer Heldt has been dealing with some Winsted residents who have fallen prey to some international money scams.
- Henrich attended the annual Minnesota Chief of Police conference in St. Cloud, Minnesota in April, 2010.
- Had the 2010 D.A.R.E. graduation.
- Attended a Twins Baseball Game with the D.A.R.E. graduates.
- The Minnesota National Guard landed a Blackhawk Helicopter in the City's football field for the D.A.R.E. class.
- Henrich will be missing the 2010 Summer Festival due to a family wedding.
- Obtained three (3) MP4, 9MM rifles at no charge.
- Will be scheduling the first annual forum with the Liquor Licensees in the City of Winsted.

7) Open Forum

a) Liquor Ordinance

Brian Langenfeld, Keg's Bar and Jacob Schlagel, Blue Note Bar and Ballroom, addressed the City Council regarding the section in the newly amended Liquor Ordinance that states,

"LICENSEE'S EMPLOYEES. No employee of the licensee that serves alcohol to patrons of the licensee, shall have a blood alcohol level of .08 or greater. Said

measure of blood alcohol content may be determined by a Portable Breath Test (i.e. PBT).

If a peace officer has probable cause to believe that an employee is under the influence of alcohol or impaired by the use of alcohol, an officer may request said employee to submit to a PBT. If the employee blows a breath sample of .08 or greater, or refuses to take a PBT, the same constitutes a violation of the liquor licensee's license and subject to all penalties and remedies contained in Section 1 of Chapter 12 of the Municipal Code of the City of Winsted.

Compliance with financial responsibility requirements of state law and of this chapter is a continuing condition of any license."

Langenfeld and Schlagel asked the City Council to please consider amending the Liquor Ordinance regarding the aforementioned provision. They stated that the Liquor Licensees were not given proper notification of the proposed provision to the newly amended Liquor Ordinance.

Mayor Stotko stated that the bar owners were notified of the Public Hearing and it is their responsibility to attend the Public Hearing.

Henrich stated that the purpose of the provision is to avoid intoxicated bartenders from serving minors and/or over serving intoxicated patrons.

Mareck stated that the City Council can schedule a Public Hearing to consider rewording or removing the provision.

Mochinski motioned to schedule a Public Hearing on Tuesday, June 1, 2010 at 6:00 p.m. in the Council Chambers at City Hall to consider amending the Liquor Ordinance. Wiemiller seconded. Motion carried 4-0.

8) Announcements

a) Winsted Lake Watershed Association – Lakefront Promenade Rain Gardens

Mareck stated that the Winsted Lake Watershed Association (WLWA) will be replanting the Rain Gardens in the Lakefront Promenade. They will be asking the City for minimal funding. Mareck stated that the funding would come from the City Hall Construction Fund.

9) Adjournment

Quast motioned to adjourn. Mochinski seconded. Motion carried 4-0.

Respectfully submitted,

Deborah R. Boelter
City Clerk-Treasurer