

City of Winsted
Regular City Council Meeting
Council Chambers
Tuesday, July 6, 2010
6:00 p.m.

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

Staff Present: Deborah R. Boelter, City Clerk-Treasurer
Amanda Zeidler, Utility Billing & Payroll Clerk

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

a) The Pledge of Allegiance was taken.

2) CONSENT AGENDA

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

a) Minutes – City Council – Work Session – June 15, 2010

Accepted the minutes of the City Council Work Session of June 15, 2010.

b) Minutes – City Council – Regular Meeting – June 15, 2010

Accepted the minutes of the City Council Regular Meeting of June 15, 2010.

c) Minutes - City Council Work Session – Wednesday, June 23, 2010

Accepted the minutes of the City Council Work Session of June 23, 2010.

d) Minutes - Special City Council Meeting – Wednesday, June 23, 2010

Accepted the minutes of the Special City Council Meeting of June 23, 2010.

e) Minutes – Emergency City Council Meeting – Monday, June 28, 2010

Accepted the minutes of the Emergency City Council Meeting of June 23, 2010.

f) St. Mary’s Care Center Project – Resolution R-10-18

Adopted Resolution R-10-18 calling for a Public Hearing on a proposal for a Health Care Development Project Pursuant to Minnesota Statutes, Sections 469-152 – 469.1651, and authorizing the publication of a notice of the hearing.

g) Resolution R-10-19 – Summary Ordinance O-10-05

Adopted Resolution R-10-19 for the official summary of Ordinance O-10-05, an ordinance amending the municipal code of the City of Winsted concerning certain liquor license fees.

h) Sidewalk/Trail Connection – Main Avenue West

Approved a quote from Birkholz Concrete, Inc. for \$3,104.00 for work on the sidewalk/trail connection at Main Avenue West which includes some basketball court repair.

i) Liquor Licenses

Approved the Sunday Liquor License from July 6, 2010 through June 30, 2011 for the American Legion Post #407, located at 161 – 1st Street North.

j) 1 to 4 Day Temporary On-Sale Liquor License – Winsted American Legion

Approved a one (1) to four (4) day Temporary On-Sale Liquor License for the Winsted American Legion at Hainlin Park and 1st Street North on Saturday, August 7, 2010 and Sunday, August 8, 2010 for the Winsted Summer Festival.

k) Parade Permit – Winsted Summer Festival

Approved a Children’s Parade sponsored by the Winsted Summer Festival near Hainlin Park on McLeod Avenue on Saturday, August 7, 2010.

l) Parade Permit – Winsted Summer Festival

Approved a Parade sponsored by the Winsted Summer Festival on designated streets in the City of Winsted on Sunday, August 8, 2010.

m) All Terrain Vehicle (ATV) Permit – Winsted Summer Festival

Approved a permit to operate All Terrain Vehicles on City streets and property on Friday, August 6, 2010; Saturday, August 7, 2010; and Sunday, August 8, 2010 in conjunction with the Winsted Summer Festival.

n) Outdoor Music Permit – Winsted Summer Festival

Approved a permit allowing outdoor music on City streets and property on Friday, August 6, 2010; Saturday, August 7, 2010; and Sunday, August 8, 2010 in conjunction with the Winsted Summer Festival.

o) Outside Food Stands Permit – Winsted Summer Festival

Approved a permit to allow outside food stands to operate on City streets and property on Friday, August 6, 2010; Saturday, August 7, 2010; and Sunday, August 8, 2010 in conjunction with the Winsted Summer Festival.

p) 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 June, 2010.

q) Claims

Approved the claims list for July 6, 2010.

3) PUBLIC HEARINGS

a) Animal Control Ordinance Amendment– O-10-06

Boelter stated that on September 2, 1997, the City Council adopted an Animal Control Ordinance that stated, *“No more than three (3) dogs may be kept on any one location by an owner within the City of Winsted.”* The same ordinance was again amended on October 18, 2005 to address the harboring of dangerous animals and/or certain species of animals within the City of Winsted. At the time of the 2005 amendment, language was included that addressed the restriction of kennels within the City of Winsted. It stated that, *“the keeping of three or more dogs and/or cats on the same premises...shall be deemed to be a kennel”* and that it is, *“declared to be a nuisance and no person shall keep or maintain a kennel within the City.”*

Boelter stated that it was not until recently, when the Winsted Police Department was responding to an issue with a resident and their dogs, that the discrepancy of the number of dogs a resident can legally have on their property was different from the 1997 ordinance and the one adopted in 2005.

Boelter informed the City Council, that Mike Henrich, Winsted Police Chief, stated that the City's Animal Control Ordinance should allow a resident to own three (3) dogs. This public hearing was scheduled to address this issue, and to consider adopting Ordinance O-10-06 amending the Animal Control Ordinance of the Municipal Code.

Boelter noted that this amendment does give some flexibility for litters. The ordinance allows for three (3) dogs, not three (3) animals. A resident cannot have four (4) or more dogs at one address.

Boelter stated that the City Council may leave the Animal Control Ordinance, as adopted in 2005, or adopt the proposed ordinance amendment.

There were no public comments.

Quast motioned to adopt Ordinance O-10-06, amending the Animal Control Ordinance of the Municipal Code. Ollig seconded the motion. Motion carried 5-0.

Ollig motioned to close the Public Hearing. Mochinski seconded the motion. Motion carried 5-0.

b) Blight Ordinance Amendment – O-10-07

Boelter stated that the City Attorney, Jody Winters, recently contacted staff regarding the City's ability to notify property owners if they are in violation of the weeds and tall grass section of the Blight Ordinance.

The Blight Ordinance specifically states, "*Such notice may be served by posting an official notice on the property,...*" Boelter stated that this wording was not listed in the weeds and tall grass section of the Blight Ordinance.

Boelter stated that Winters recommended that the City Council amend the existing ordinance to include the aforementioned wording. This public hearing was scheduled to address this issue, and consider adopting Ordinance O-10-07, amending the Blight Notice of Violation of the Municipal Code.

There were no public comments.

Ollig motioned to adopt Ordinance O-10-07 amending the Blight Notice of Violation of the Municipal Code. Wiemiller seconded the motion. Motion carried 5-0.

Mochinski motioned to close the Public Hearing. Quast seconded the motion. Motion carried 5-0.

4) OLD BUSINESS

a) McLeod County Road 116 Turnback and Third Street Improvement Project

Jake Saulsbury, Project Engineer for Bolton and Menk, Incorporated, was present to request approval of the plans and specifications, and to receive authorization for advertisement for bids for the McLeod County Road 116 Turnback and Third Street Improvement Project.

Saulsbury stated that there has been a change in scope, since the City Council agreed to the elimination of some sidewalks, and the original agreement was approved on May 4, 2010.

Saulsbury stated that the scope of work of the project includes the following components:

- Sidewalk on County Road 116 from Andy Avenue West to Linden Avenue West
- Sidewalk on Albert Avenue West, along the public school property
- Bituminous overlay and street patching on County Road 116 and Third Street South
- Addition of curb and gutter on Third Street South
- Storm sewer upgrades and partial replacement
- Water main upsizing, hydrant replacement, and the addition of gate valves
- Other miscellaneous items

Saulsbury stated that if Bolton and Menk, Incorporated is authorized to proceed, the tentative project schedule would allow for the award of the project at the Regular City Council Meeting on August 17, 2010, with construction commencing shortly after Labor Day. Saulsbury added that this project is still subject to McLeod County approval.

Saulsbury asked the City Council to consider a motion to approve a revised Joint Powers Agreement between the City of Winsted and McLeod County for the McLeod County Road 116 Turnback and Third Street Improvement Project, and to consider a motion to adopt Resolution R-10-20 approving plans and specifications and ordering advertisement for bids.

Saulsbury stated that McLeod County is willing to cover the cost of the deleted portion of the sidewalk on the new section, and the approximate cost is \$95,000. One piece of sidewalk was added along Albert Avenue West, that continues to First Street North.

Proposed schedule is still the same, according to Saulsbury, following approval from McLeod County. Wiemiller asked Saulsbury if he has attended any McLeod County Board meetings. Saulsbury stated that he will not be attending the next meeting, at this point.

Mochinski asked if Saulsbury will be on-site periodically to make sure everything is being done properly during the project. Saulsbury stated that he will monitor the entire construction process.

Ollig made a motion to approve a revised Joint Powers Agreement between the City of Winsted and McLeod County for the McLeod County Road 116 Turnback and Third Street Improvement Project. Wiemiller seconded the motion. Motion carried 5-0.

Wiemiller made a motion to adopt Resolution R-10-20 approving plans and specifications and ordering advertisement for bids. Quast seconded the motion. Motion carried 5-0.

5) NEW BUSINESS

6) DEPARTMENT REPORTS

a) People Service

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

- Kingsley Lift Station. Phil Robinson was at the Lift Station during a recent rain at about 3:00 a.m. to avoid overflow and pumping into Winsted Lake.
- Sludge tanks. Wroge is working with Gridor Construction, and the company that manufactured the tanks. Wroge stated that normally, a city cannot haul bio-solids until after September 1st, but the state may allow an exception in this case. Robinson is collecting what he can from the leak, and the State of Minnesota is satisfied with the efforts being made.
- The State of Minnesota is still reviewing the Wastewater Treatment Facility plan, and has not issued a permit yet.

Quast asked if the Kingsley Lift Station pumps are scheduled for any improvements. Wroge stated that the Kingsley Lift Station is part of a preliminary plan that has been drafted by Bolton and Menk, Incorporated. The plan includes a rehabilitation of the current lift station. Mochinski asked if the Kingsley Street will be disturbed. Saulsbury stated that there will be some disturbance, according to the preliminary plan, and Bolton and Menk, Incorporated will give a report to the City Council in the near future.

Wiemiller questioned Wroge about an incident at the Northgate Lift Station. Wroge stated that the breaker on the generator was faulty, so when the power went out, there was no generator back-up. Wroge stated that the generator has been repaired.

7) NO OPEN FORUM

8) ANNOUNCEMENTS

Boelter stated that the City has hired a new City Administrator. His first day of work will be Monday, July 26, 2010. Ollig stated that the Winsted Chamber of Commerce is going to hold a barbeque to welcome the new City Administrator in August, 2010, and the general public will be invited.

9) ADJOURN

Quast motioned to adjourn the meeting. Ollig seconded the motion. Motion carried 5-0. The meeting adjourned at 6:25 p.m..

Respectfully submitted,

Amanda J. Zeidler

Amanda J. Zeidler
Utility Billing & Payroll Clerk