

City of Winsted
Special City Council Meeting
Lewis Room
Wednesday, February 15, 2017
1:00 p.m.

Present: Mayor Steve Stotko
Council Member Mike Henrich
Council Member George Schulenberg
Council Member Tom Ollig
Council Member Patty Fitzgerald

Staff Present: Mr. Daniel Tienter, City Administrator
Ms. Raquel Kirchoff, City Clerk-Treasurer

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

a) The Pledge of Allegiance was taken.

2) No Consent Agenda

3) No Public Hearings

4) No Old Business

5) New Business

a. Ordinance O-17-03 – Zoning Ordinance Text Amendment

Mr. Daniel Tienter, City Administrator, stated that the City of Winsted's Zoning Ordinance has language regarding the termination of Interim Use Permits related to the following items:

- Specific date sited in the permit.
- Violation under which the condition of the permit was issued.
- A change in the City's zoning regulations which renders the use non-conforming.

Mr. Tienter stated community solar gardens are designed to be in use for at least 25 years; and if the City's zoning regulations change during the 25 year timeframe for a permitted solar garden, the Interim Use Permit would expire and the developer would not have the entire useful life of the solar garden. Because of this, the developer has requested a change to the City's Zoning Ordinance to allow the Interim Use Permit to be continued, regardless if a change in zoning regulations occur. Mr. Tienter stated that the proposed change to the Zoning Ordinance allows for the City Council, by resolution, to determine that such use may remain non-conforming for a period not to exceed 30 years.

Mr. Tienter stated that if the City Council decides to approve the text amendment to the Zoning Ordinance, the next consideration for the City Council is to adopt Resolution R-17-11 to approve the Interim Use Permit.

Mayor Stotko asked Mr. Michael Krause, Minnesota Solar, LLC representative, if Minnesota Solar, LLC is leasing the land at 23121 Babcock Avenue, Parcel Identification Number (P.I.D.) 21.010.1600 from the property owner. If so, is it a 25 year lease? Mr. Krause stated yes.

Council Member Ollig asked Mr. Krause when the solar garden would be installed at 23121 Babcock Avenue. Mr. Krause stated that work would likely begin in the year 2017.

Council Member Henrich stated that the Planning Commission recommends approval of the ordinance text amendment and Resolution R-17-11.

Council Member Fitzgerald motioned to adopt Ordinance O-17-03, amending section 1501.0175.F.3 of the Winsted Municipal Code in relation to the termination requirements for an interim use permit. Council Member Ollig seconded the motion. Motion carried 5-0.

b. Resolution R-17-11 – Interim Use Permit for Minnesota Solar, LLC

Council Member Henrich motioned to adopt Resolution R-17-11, to approve an amendment to an Interim Use Permit (IUP) allowing for a Community Solar Energy System (Solar Garden) in the I-1 Industrial District with conditions. Council Member Schulenberg seconded the motion. Motion carried 5-0.

c. Commercial Operation Agreement – Skydive Twin Cities, LLC

Skydive Twin Cities, LLC representatives, Ms. Danette Buscko, Mr. John Buscko, Ms. Cathy McCauley, and Mr. Kerry McCauley introduced themselves to the City Council Members.

Mr. Tienter stated that on April 5, 2016, the City Council approved an Operation Agreement between the City of Winsted and Skydive the Lakes, LLC, a commercial, fixed base operator providing skydiving services at the Winsted Municipal Airport. That agreement expired on December 31, 2016.

Mr. Tienter stated that on January 18, 2017, a representative of Skydive the Lakes, LLC informed City staff of a possible sale of the business to Skydive Twin Cities, LLC.

Mr. Tienter stated that on February 3, 2017, City staff met with representatives of Skydive Twin Cities, LLC to discuss and review the recently expired Agreement between the City of Winsted and Skydive the Lakes, LLC and any proposed modifications to the previously approved terms and conditions of the Agreement. During this meeting, Skydive Twin Cities, LLC made four requests as follow:

- 180–day notification of any possible Airport improvement project that may affect Skydive Twin Cities, LLC operations;
- Extension of the Agreement term to two years;
- More progressive violations structure under the Suspension/Termination section; and
- Revision of the Non–Conforming Activities section to no longer reflect the regulation of certain conduct not attributable to Skydive Twin Cities, LLC.

Mr. Tienter stated that the recommended Agreement includes a total fee of \$6,590 for the commercial operator and landing zoning fees.

Mayor Stotko asked why Skydive Twin Cities, LLC had issues with the Suspension/Termination section of the City’s most recent skydive agreement. Mr. Buscko asked who determines if a violation has occurred and stated that the area of concern is if neighbors are not happy with the business and make frivolous complaints.

Mr. Buscko stated that Skydive Twin Cities, LLC has been in business since 1998 and prides itself in operating within safety recommendations.

Mr. Tienter stated that if the City would ever want to terminate the agreement, having a more progressive structure provides more documentation regarding inappropriate activity. He continued by stating that this agreement allows for more options to address non-compliance activity other than an immediate financial penalty.

Council Member Schulenberg stated that the City of Winsted determines if the turf runway is usable or not under certain weather conditions. Mr. McCauley stated that Skydive Twin Cities, LLC understands and that ruts created from use of soft runways are hard on planes. He continued by stating that it is a benefit for Skydive Twin Cities, LLC to have operations in Baldwin and Forest Lake. If the runway cannot be used in Winsted, other locations are operating.

Council Member Henrich stated that many yards of dirt had to be placed onto the runway in the past for repair to the runway. He continued by stating that since the skydivers have the heaviest plane used on the runway, is there any mechanism to recover money if damage occurs to the runway again in the future.

Mr. Tienter stated that in the past a previous owner of a skydiving company used the runway when it was not advised. The City has not experienced this issue with Skydive the Lakes, LLC.

Mr. Tienter stated that the current runway is nearing the end of its useful life and so more maintenance is needed.

Council Member Henrich stated his concern that if the City installs a new runway in the future, it will want to protect that runway from damage. Mr. Tienter stated that if the runway is replaced with a new turf runway in the future, it will be more resilient to withstand heavier planes.

Council Member Henrich stated that other entities are charged different rates for the use of City owned land compared to this agreement that charges \$200 per acre for the drop zone. Mr. Tienter stated that different entities use land in different ways and for different durations and so the question is greater than only a per acre amount.

Council Member Schulenberg stated that noise has been a complaint in the past and that previous skydiving companies have changed the flight pattern to help. Mr. McCauley stated that there are recommended traffic patterns but Skydive Twin Cities, LLC will review flight patterns if noise is a concern.

Council Member Henrich inquired about Skydive Twin Cities', LLC safety record. Mr. McCauley stated that its record is very good. Council Member Henrich stated that Winsted has very good Emergency Medical Services personnel, but hopes not to experience many calls related to skydiving injuries.

Council Member Fitzgerald motioned to authorize the City Administrator to execute a Commercial Operation Agreement with Skydive Twin Cities, LLC to operate a skydiving business and related activities. Council Member Ollig seconded the motion. Motion carried 5-0.

Ms. Buscko requested that the official name of the business be changed in the agreement to Skydive the Twin Cities West, LLC.

6) Adjournment

Council Member Ollig motioned to adjourn the meeting. Council Member Schulenberg seconded the motion. Motion carried 5-0.

The meeting was adjourned at 1:39 p.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Raquel Kirchoff

Raquel Kirchoff
City Clerk-Treasurer
City of Winsted