

City of Winsted
City Council Meeting
Council Chambers
Tuesday, February 18, 2014
6:00 p.m.

Present: Mayor Steve Stotko
Council Member Bonnie Quast
Council Member Tom Ollig
Council Member George Schulenberg
Council Member Max Fasching

Staff Present: Mr. Clay Wilfahrt, City Administrator
Ms. Deborah R. Boelter, City Clerk-Treasurer
Mr. Justin Heldt, Winsted Police Department Police Officer

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

a) The Pledge of Allegiance was taken.

2) Consent Agenda

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

a) Minutes – City Council – Work Session – January 21, 2014

Accepted the minutes of the City Council Work Session of January 21, 2014.

b) Minutes – City Council – Regular Meeting – January 21, 2014

Accepted the minutes of the City Council Regular Meeting of January 21, 2014.

c) Minutes – City Council – Work Session – February 5, 2014

Accepted the minutes of the City Council Work Session of February 5, 2014.

d) Minutes – City Council – Regular Meeting – February 5, 2014

Accepted the minutes of the City Council Regular Meeting of February 5, 2014.

e) Downtown Vibrancy Commission Minutes – November 12, 2013

Accepted the minutes of the November 12, 2013 Downtown Vibrancy Commission Meeting.

f) Planning Commission Minutes – January 13, 2014

Accepted the minutes of the January 13, 2014 Planning Commission Meeting.

g) Holy Trinity – Winstock Country Music Festival – June 12th, 13th, and 14th, 2014

Approved an Agreement between the City of Winsted and the Church of the Holy Trinity for emergency services and services provided by the City of Winsted during Winstock Country Music Festival for June 12th, 13th, and 14th, 2014.

h) Resolution R-14-03 – Holy Trinity – Winstock Country Music Festival Liquor License

Adopted Resolution R-14-03 to approve a one (1) to four (4) day temporary On-Sale Liquor License for Holy Trinity's Winstock Country Music Festival for June 12th, 13th, and 14th, 2014.

i) Resolution R-14-04 - Holy Trinity – Winstock Country Music Festival Gambling Application

Adopted Resolution R-14-04 to approve an application to conduct off-site gambling (pull-tabs) at Holy Trinity Winstock Country Music Festival for June 12th, 13th and 14th, 2014.

j) Winstock Country Music Festival - Large Assembly Permit

Approved the McLeod County Large Assembly Permit for Holy Trinity Winstock Country Music Festival for June 12th, 13th, and 14th, 2014.

k) Performance Review – City Administrator

Scheduled a Special Closed City Council Meeting for Tuesday, March 4, 2014 at 4:00 p.m. in the Lewis Room at Winsted City Hall to conduct the six (6) month Performance Review for Clay Wilfahrt, City Administrator.

l) January, 2014 Pledged Securities

m) Claims

Approved the Claims List for February 18, 2014.

3) No Public Hearings.

4) No Old Business.

5) New Business

a) Resolution R-14-05 - Conditional Use Permit – The Church of the Holy Trinity - 111 Winsted Avenue West

Mr. Wilfahrt stated that The Church of the Holy Trinity submitted plans for an expansion at their parish location in downtown Winsted. They plan to construct a 2,290 square foot expansion that will allow for additional gathering space, and better access to the elevator.

Mr. Wilfahrt stated that the plans were reviewed by the City Engineer, the Winsted Volunteer Fire Department (WVFD) Chief, the McLeod County Engineer, and the City Planning Consultant. The addition required a front-yard setback variance, side-yard setback variance, a conditional use permit and a site plan review. Three (3) public hearings were required as part of this process, and a certified letter was sent out to neighbors of the property. No comments were received and nobody attended the Public Hearings to speak.

Mr. Wilfahrt stated that the City of Winsted Planning Commission acts as the Board of Adjustments and voted four to zero (4-0) in favor of granting both variances at its February 10, 2014 meeting. No City Council action is necessary on the variances. The Planning Commission only has authority to make a recommendation on both the site plan review and the conditional use permit. The Planning Commission voted four to zero (4-0) to recommend that the City Council approve the conditional use permit and the site plan.

Mr. Wilfahrt stated that if the City Council approves the site plan and conditional use permit, staff will work with The Church of the Holy Trinity to get a building permit.

Mr. Wilfahrt referenced a memo from Mr. John Anderson, of the Municipal Development Group, outlining the project and conditions of approval.

Mr. Wilfahrt stated that the City Council will need two (2) motions to approve two (2) resolutions; Resolution R-14-05 for the conditional use permit, and Resolution R-14-06 approving the site plan.

Council Member Ollig stated that both the conditional use permit and the site plan for the proposed parish expansion were reviewed by the Planning Commission and recommended for approval by the City Council.

Council Member Fasching motioned to adopt Resolution R-14-05 to approve a Conditional Use Permit to allow for the expansion of the Church of the Holy Trinity within the R-1 Single Family Residential District. Council Member Schulenberg seconded the motion. Motion carried 5-0.

Resolution R-14-06 – Site Plan – The Church of the Holy Trinity – 111 Winsted Avenue West

Council Member Quast motioned to adopt Resolution R-14-06 to approve a Site Plan for the Church of the Holy Trinity. Council Member Ollig seconded the motion. Motion carried 5-0.

b) Resolution R-14-07 – Site Plan – Dollar General

Mr. Wilfahrt stated that Dollar General is requesting to build a 9,100 square foot building along McLeod County Highway One (1) near the intersection of 6th Street and Main Avenue. The plans were reviewed by the City Engineer, the Winsted Volunteer Fire Department (WVFD) Chief, the McLeod County Engineer, and the City's Planning Consultant. The Project meets the requirements set forth by the City's ordinances.

Mr. Wilfahrt stated that the Planning Commission reviewed the plan at its December, 2013 meeting and held a Site Plan Review at its January, 2014 meeting.

Mr. Wilfahrt stated that several residents attended the Public Hearing that was held by the Planning Commission as part of the process and gave their input on the proposed Project. The residents requested that Dollar General place an eight (8) foot fence along the west and south property lines. The fence would be intended to limit impact of light from vehicles on nearby residents. Residents also requested that the fence be installed to have the least impact on the trees as possible. Dollar General was very responsive and agreeable to these requests. The requests were added as conditions of the site plan.

Mr. Wilfahrt stated that following the public comment, the Planning Commission voted five to zero (5-0) to recommend that the City Council approve the site plan with the conditions listed in the memo dated January 16, 2014 from Mr. John Anderson of the Municipal Development Group.

Mr. Wilfahrt stated that the City Council approved annexation of this property in January, 2014, and the State of Minnesota finalized that annexation on February 11, 2014. Since the annexation is now complete, the City can move forward with the site plan approval. Assuming the City Council approves the site plan, staff will work with Dollar General to get a building permit. Dollar General has already submitted all of the information necessary to obtain a building permit.

Mr. Thomas Drew, 240 . 6th Street South, was in attendance at the City Council meeting. Council Member Fasching asked Mr. Drew if had an opportunity to discuss his concerns regarding the drainage from the Dollar General property with the City's Engineer and if his concerns were addressed. Mr. Drew stated yes.

Mr. Ron Jagodzinski, 171 . 7th Street South, was in attendance at the City Council meeting. Mr. Jagodzinski asked the City Council if they would require Dollar General to save the oak trees on the proposed building site. Mr. Wilfahrt stated that Dollar General has indicated that they are going to do what they can to save the oak trees.

Council Member Schulenberg motioned to adopt Resolution R-14-07 to approve a Site Plan for Dollar General. Council Member Ollig seconded the motion. Motion carried 5-0.

c) Temporary Acting Chief of Police – Police Officer Justin Heldt

Mr. Wilfahrt stated that the Winsted Police Department Chief of Police, Mr. Michael Henrich has issued his letter of resignation and indicated that his last day of service will be February 28, 2014. Staff anticipates that a new Chief of Police will not be hired until April of 2014; and therefore, a Temporary Acting Chief of Police will need to be named in the absence of a permanent Chief of Police.

Mr. Wilfahrt stated that staff would request that Winsted Police Department Officer, Mr. Justin Heldt be appointed as the Temporary Acting Chief of Police. In the past, Mr. Heldt has been the acting Chief when Mr. Henrich has taken vacation. Mr. Heldt will also serve as the Co-Director of Emergency Management with the WVFD Chief during the absence of a Chief of Police.

Mr. Wilfahrt stated that the Temporary Acting Chief of Police should be dually compensated for the added responsibility. Staff recommends that Mr. Heldt's pay be increased to the starting wage for the Chief of Police during the time he serves as Temporary Acting Chief of Police. The compensation increase will be offset by savings achieved from not having a permanent Chief of Police employed.

Mr. Wilfahrt recommended that the City Council appoint Winsted Police Department Officer, Mr. Justin Heldt as the Temporary Acting Chief of Police starting at Step One (1) of the Pay Scale for the Chief of Police, at an hourly rate of \$22.01, effective February 28, 2014 until a permanent Chief of Police is hired.

Council Member Quast motioned to appoint Winsted Police Department Officer, Mr. Justin Heldt as the Temporary Acting Chief of Police starting at Step One (1) of the Pay Scale for the Chief of Police, at an hourly rate of \$22.01, effective February 28, 2014 until a permanent Chief of Police is hired. Council Member Fasching seconded the motion. Motion carried 5-0.

d) Commercial Operation Agreement – Mr. Joe Johnson, Westside Skydivers

Mr. Wilfahrt stated that over the past several months, City staff has been negotiating with Mr. Joe Johnson of Westside Skydivers for the use of the Winsted Municipal Airport for the operation of a Skydiving business. Staff and Mr. Johnson agree upon most terms for the Skydiving business to continue in its current location for 2014.

Mr. Wilfahrt presented the significant changes to the proposed Agreement between the City of Winsted and Westside Skydivers:

- The term of the Agreement is twenty (20) years. Mr. Johnson has indicated that the twenty (20) year term is required to obtain financing for the construction of an airplane hangar at the Winsted Municipal Airport.
- The Agreement is subject to the City of Winsted's Municipal Airport Policy once the Policy is completed and approved.
- Insurance coverage requirements have been changed to be in accordance with Minnesota State Statute.
- Hours of operation for the Skydiving business are set from sunrise to sunset daily. There are provisions made for two (2) night jumps per year that will begin within one (1) hour of sunset and continue for a duration of two (2) hours.

Mr. Wilfahrt stated that staff supports the Agreement for several reasons:

1. The Agreement remained very similar to past Agreements between the City of Winsted and Westside Skydivers.
2. The Skydiving business has received fewer complaints in the year 2013, than in past years.
3. The Skydiving business employs twenty-five (25) people and brings an estimated 20,000 visitors to the Winsted Community each year.
4. The City Council will be able to ensure adherence to the Winsted Municipal Airport Policy; which, adds an extra level of security for the City in the Agreement.
5. The City Attorney recommended that a *Personal Guarantee* provision be added to the Agreement. The Agreement will be made between the City of Winsted and Mr. Joe Johnson. The *Personal Guarantee* allows the City to hold Mr. Johnson responsible for any fees, regulations, etcetera; in the event that Westside Skydivers ceases to exist.

Mr. Wilfahrt stated that the City will receive an annual payment from Westside Skydivers in the amount of \$10,398.75. This amount will increase annually corresponding to the Consumer Price Index.

Council Member Fasching stated that he wants residents to understand that the Agreement between the City of Winsted and Westside Skydivers, and the proposed Winsted Municipal Airport Policy, are two (2) separate documents.

Council Member Ollig motioned to approve a Commercial Operation Agreement with Mr. Joe Johnson, Westside Skydivers to operate a Skydiving business at the Winsted Municipal Airport with two (2) additional provisions: One (1) provision requiring that Mr. Johnson and/or Westside Skydivers contact the City of Winsted twenty-four (24) hours prior to completing their night jumps and the Second (2nd) provision is that Mr. Joe Johnson must construct his proposed hangar at the Winsted Municipal Airport within the next five (5) years of the execution of this Agreement or the Agreement will become null and void. Council Member Fasching seconded the motion. Motion carried 5-0.

6) **No Department Report.**

7) **No Open Forum.**

8) **Announcements**

a) **City of Winsted Fire Hydrants – Snow Removal**

Council Member Quast asked Winsted residents to remove the snow around the fire hydrants located on their property.

9) **Adjournment**

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

The meeting was adjourned at 6:20 p.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Deborah R. Boelter

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