

City of Winsted  
City Council Meeting  
Council Chambers  
Tuesday, March 5, 2013  
6:00 p.m.

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

Absent: Council Member George Schulenberg

Staff Present: Brad Martens, City Administrator

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 Fasching seconded the motion. Motion carried 4-0.**

a) **Minutes – City Council – Work Session – February 19, 2013**

Accepted the minutes of the City Council Work Session of February 19, 2013.

b) **Minutes – City Council – Regular Meeting – February 19, 2013**

Accepted the minutes of the City Council Regular Meeting on February 19, 2013.

c) **Walk of Hope – St. Mary’s Care Center**

Approved the designated route for the St. Mary’s Care Center’s Walk of Hope, for Thursday, May 16, 2013 starting at 6:30 p.m. as submitted to the Winsted Police Department.

d) **Cylinder Deposit Agreement – Central McGowan**

Approved a Cylinder Deposit Agreement with Central McGowan.

e) **Resolution R-13-04 – Winsted Police Department Donation**

Adopted Resolution R-13-04 to accept a \$100.00 donation from Alerus Mortgage on behalf of Landon Pohl to be dedicated to the Winsted Police Department.

f) **Winsted Municipal Airport Commission Appointment – Brad Borrell**

Appointed Brad Borrell to the Winsted Municipal Airport Commission for a term expiring December 31, 2014.

g) **Winsted Municipal Airport Commission Appointment – Sue Busse**

Appointed Sue Busse to the Winsted Municipal Airport Commission for a term expiring December 31, 2014.

h) **December, 2012 Financial Report**

Approved the December, 2012 Financial Report.

i) **January, 2013 Financial Report**

Approved the January, 2013 Financial Report.

**j) Claims**

Approved the claims list for March 5, 2013.

**3) No Public Hearings**

**4) No Old Business**

**5) New Business**

Mr. Martens stated that the item under New Business regarding a presentation from the Coalition of Greater Minnesota Cities was removed because the representatives from this organization were unable to attend the meeting due to the weather. He continued by stating that this item would be added to the agenda for the March 19, 2013 City Council Meeting.

**a) Winsted Volunteer Fire Department Purchase – Extrication Equipment**

Mr. Martens stated that the Winsted Volunteer Fire Department is requesting approval to purchase extrication equipment for the Department. Chief Engel has secured two quotes for the proposed purchase of extrication equipment as follow:

- Clarey's Safety Equipment: \$30,819.00
- Genesis Rescue Systems: \$33,451.00

The purchase of extrication equipment would be made out of the Winsted Volunteer Fire Department Capital Improvement Fund which has a balance of approximately \$490,000.

Mr. Martens stated that Winsted Volunteer Fire Department Chief Chad Engel did speak with Board Members from Victor Township, Winsted Township, Hollywood Township, and Woodland Township who were in favor of the purchase.

Fire Chief Engel stated that the current extrication equipment is over twenty (20) years old. The Department is having issues with repair to the equipment and parts for the equipment are hard to find or are no longer made. The hydraulic fluid used to power the equipment is harmful for the environment and people.

Mr. Engel stated that the equipment is awkward to handle due to weight and the fact you have to have two (2) members handle the equipment, plus one (1) firefighter to operate the pump. The pump can only handle one (1) piece of equipment at a time, and must be shut down to switch pieces of equipment.

Mr. Engel stated that the replacement equipment has newer technology such as pump power, has hydraulic fluid that is biodegradable, and has cutting blades that are replaceable.

Mr. Engel stated that Fire Department Members did test two (2) different sets of equipment and found the proposed equipment to be the best option.

Council Member Fasching asked if the speed of the proposed cutter is considerably faster than the current equipment that the Fire Department is using, and would produce quicker results for persons receiving benefit from the cutter. Fire Chief Engel stated yes.

Mr. Engel stated that Clarey's Safety Equipment will provide training to all Fire Department members on how to use the equipment. He stated that the old equipment will be kept and used in addition to the new equipment, if needed.

**Council Member Ollig motioned to approve a purchase of replacement extrication equipment for the Winsted Volunteer Fire Department in an amount not to exceed \$35,000. Council Member Quast seconded the motion. Motion carried 4-0.**

**b) Commercial Operation Agreement – Joe Johnson, Westside Skydivers**

Mr. Martens stated that at the February 12, 2013 meeting of the Winsted Airport Commission, a motion was approved recommending that the City Council consider attaching an expiration date to the approved Commercial Operation Agreement with Joe Johnson, Westside Skydivers, if the agreement has not been signed by a date in the near future. The reason for this recommendation is to ensure proper time exists to allow for any budget amendments and Airport preparations as necessary based upon expected needs of the Airport.

Mr. Martens stated that the City Council reviewed the request by the Airport Commission at the February 19, 2013 City Council Work Session and directed staff to place the item on the agenda of the March 5, 2013 City Council Meeting to discuss.

Mr. Martens stated that the City Council approved Commercial Operation Agreement with Joe Johnson, Westside Skydivers, has fees totaling \$10,398.75.

Council Member Ollig asked if Mr. Martens had spoken with Mr. Johnson recently. Mr. Martens stated that Mr. Johnson is aware that the City Council is considering an expiration date for the agreement and has not voiced concerns regarding the subject. Council Member Ollig asked if the main stumbling block for Mr. Johnson not signing the agreement was acquiring the necessary insurance for the agreement. Mr. Martens stated yes and that he has not received insurance information from Mr. Johnson yet.

Council Member Quast asked if Mr. Johnson was agreeable to the remainder of the contract. Mr. Martens stated that when the City Council approved the agreement, Mr. Johnson was asked if he would sign it, and he stated that he would. Mr. Martens stated that he has not heard any different information.

**Council Member Fasching motioned to retract the approved Commercial Operation Agreement between the City of Winsted and Joe Johnson, Westside Skydivers, if the agreement is not signed by April 1, 2013. Council Member Ollig seconded the motion. Motion carried 4-0.**

**c) Recycling Drop Box Site – City of Winsted**

Mr. Martens stated that at the February 19, 2013 City Council Meeting, representatives from McLeod County addressed the City Council in regards to recycling within the County. As part of that discussion, it was mentioned that the City of Winsted, if interested, could receive a recycling drop box to be placed within the community. The most likely location would be near the Public Works facility.

Mr. Martens stated that McLeod County would provide the recycling drop box at no cost to the City of Winsted through their recycling programs. Staff does believe there would be some additional work required to clean up debris around the drop box regularly.

Mr. Martens stated that staff is recommending that the City Council decline the opportunity for the following reasons:

- Staff is unaware of a single request for a recycling drop box.
- Weekly curbside recycling currently exists allowing for the opportunity to recycle on a regular basis.
- Placing the recycling drop box near the Public Works facility and Fire Hall would create additional traffic in those areas.
- It is likely the service would be most used by non-residents.

Council Member Quast asked if there are any people within the City that cannot recycle with the current weekly service. Mr. Martens stated that he has heard no requests for additional recycling.

The City Council Members were not in favor of placing a recycling drop box within Winsted.

**6) Department Report**

**a) Waste Management**

Mr. Martens stated that he received messages from Rick Rud, Waste Management, who stated that he was unable to attend the City Council Meeting due to the weather. Mr. Rud did provide Mr. Martens with an update, which Mr. Martens read, to include the following:

- From January, 2013 through March 31, 2013, 80.7 tons or 161,000 pounds of waste was collected; 6,246 customer touches; averaging 25.84 pounds of waste per home.
- From November through December, 2012, 87 tons or 174,000 pounds, averaging 24.89 pounds of waste per home.
- It was noted that single sort recycling has increased recycling volume from 30% to 63% in Waste Management's area. This is a direct reduction in garbage volume per household, which could be a reduction in container size and cost to each resident.
- Regarding billing, the transition to self pay has had some issues. There is good communication between the City and Waste Management. There are currently 114 homes under cut off status which have not have service stopped yet. Waste Management assumes that these accounts are a billing switch concern. More work will be done with these accounts, with possible more communication about direct billing.

Council Member Ollig asked if the City was receiving calls regarding Waste Management billing for garbage. Mr. Martens stated that initially, there were many calls with questions and people perceived that they were double billed because Waste Management sent bills before the City sent the final bill for garbage. The calls have reduced in number since then and if people do have questions, they are encouraged to call Waste Management with their questions.

**7) No Organization Report**

**8) Open Forum**

Mitch Littfin, 449 Lake Trail, addressed the City Council and stated that he was in attendance at the meeting with some members of the Association to discuss their road, Lake Trail. Mr. Littfin stated that he was the Treasurer for the Association's Board and that their road needed repair due to it not draining properly and being cracked. The Association had multiple companies look at the road and each company told them the same thing - that the road was not completed and did not have any wear course on it. The Association had repairs made to the road, but now wants to know what the City's agreements were with the developer for the area, what kinds of bonds were put in place at the time of development, what was reviewed, etcetera.

Mr. Martens stated that he has had discussions with Mr. Littfin regarding Lake Trail and the City has submitted its documentation regarding the development to the City Attorney, Fran Eggert. Mr. Martens stated that the documents have been at the City Attorney's office for some time for the Association to review. Mr. Martens asked Mr. Littfin if he had reviewed those documents.

Mr. Littfin responded that the Association had not yet reviewed the documents and stated that no one within the Association would have the right ability or knowledge to look through a large box of documentation accurately. He continued by stating that he was looking to see if the City Council would let the Association know that the development had a bond on it, and everything was finalized and approved per the agreement in place.

Council Member Ollig stated that the development that was being referred to was a Planned Unit Development with an Association. He continued by stating that in a Planned Unit Development, Mr. Gilk, the developer, provided a plat to the City, and the City would have checked the street width of the Lake Trail road against street width criteria, but because Lake Trail it is not a main road through a development, it has a different approval process needed from the City.

Mr. Littfin stated that Family One was the builder for the homes, and they are no longer in business. Mr. Littfin stated that the Association contacted the remnant of Family One's business and they directed the

Association to contact Mr. Gilk. Mr. Gilk was contacted, but he said that he no longer has the documents for the development.

Council Member Quast asked who owns the land in the Association and stated that there are many empty lots within the development. Mr. Littfin stated that the empty lots are owned by a company or bank and they are not returning the Association's phone calls or electronic mails (e-mails).

Council Member Quast and Council Member Ollig described the Lake Trail road, stating that it is a narrow road with no curb and gutter that resembles a driveway. Mr. Littfin stated that it is a road that services the homes within the Association.

Mr. Martens stated that he is hesitant to spend tax payer dollars investigating something against the City that the Association may use against the City as litigation in the future. He continued by stating that there has been conversation of possible litigation against the City regarding this issue. Mr. Martens asked the City Council if the Association should do the research of the documents themselves.

Council Member Ollig stated that he agrees with Mr. Martens that if the City has turned over the documentation for review, it is up to the Association to review the documents and move forward from that point.

Mr. Littfin asked if the City could show the Association the bond or the agreement for the development rather than the Association reviewing the documents at the City Attorney's office. Council Member Ollig stated that the City would not know which items from the documentation that the Association wanted to review. Mr. Martens stated that the City would have to hire consultants to do the work too.

Council Member Ollig stated that the position that the Association is in is not favorable but he hopes that the Association can understand the City's position too. When the development was put into place, everything was passed by the City Council and the City's Attorney and representatives. He continued by stating that from his recollection, it was done correctly at the time it was done. Council Member Ollig stated that the Association is thinking that it was done incorrectly, and so he agrees with Mr. Martens that the Association needs to have its' representative review the documents to see if there was something done in error initially.

Mr. Littfin asked what would happen if a taxpayer that lived on 1<sup>st</sup> Street came to the City Council with a similar situation. Council Member Ollig stated that it would be different for that person because 1<sup>st</sup> Street residents are not part of an Association. Associations are different than a resident on a City street with sidewalk, curb and gutter. Association members pay funds for maintenance of roads and the City did not get involved with that. Mr. Littfin stated that he understands that the Association pays for maintenance of the road but their questions are about how the road was constructed and what was agreed upon. Council Member Ollig stated what was agreed upon has been turned over to the City's Attorney and is available for the Association's representative to review it.

Mr. Littfin asked if the documents could be delivered to the Association for them to review the information. Mr. Martens stated that the City's Attorney recommended that the documents stay at his office for review because they are just one set of documents.

Mr. Littfin stated that the Association would review the documents and wanted to get the City's opinion of the road and the development.

Council Member Ollig stated that if he lived on that road, he would be looking into the same thing.

Mr. Littfin thanked the City Council for their time.

**9) No Announcements**

**10) Adjournment**

**Council Member Quast motioned to adjourn the meeting. Council Member Ollig seconded the motion. Motion carried 4-0.**

The meeting was adjourned at 6:30 p.m.

*Steve Stotka*

Steve Stotka  
Mayor  
City of Winsted

ATTEST:

*Raquel Kirchoff*

Raquel Kirchoff, MCMC  
Administrative Assistant  
City of Winsted