

City of Winsted
City Council Meeting
City Hall . Council Chambers
Tuesday, April 5, 2016
6:00 p.m.

Council Members Present: Mayor Steve Stotko
Council Member Patty Fitzgerald
Council Member Tom Ollig
Council Member Bonita Quast
Council Member George Schulenberg

Staff Present: Mr. Dan Tienter, City Administrator
Ms. Amanda Zeidler, Utility Billing & Payroll Clerk
Mr. Justin Heldt, Winsted Police Chief

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

a) The Pledge of Allegiance was taken.

2) Consent Agenda

Mayor Stotko read the Consent Agenda.

a) Minutes – City Council – Emergency Meeting – October 14, 2015

Accepted the minutes of the October 14, 2015 Emergency City Council Meeting.

b) Minutes – City Council – Work Session – November 3, 2015

Accepted the minutes of the November 3, 2015 City Council Work Session.

c) Minutes – City Council – Regular Meeting – November 3, 2015

Accepted the minutes of the November 3, 2015 City Council Regular Meeting.

d) Minutes – City Council – Work Session – March 15, 2016

Accepted the minutes of the March 15, 2016 City Council Work Session.

e) Minutes – City Council – Regular Meeting – March 15, 2016

Accepted the minutes of the March 15, 2016 City Council Regular Meeting.

f) Part-Time Police Officer – Mr. Joshua Fahey

Approved the hiring of Mr. Joshua Fahey as a part-time Police Officer for the City of Winsted at a wage of \$15.50 per hour, with an employment start date of April 6, 2016.

g) Part-Time Administrative Assistant – Ms. Sandra Fleischman

Approved the hiring of Ms. Sandra Fleischman as a permanent, part-time Administrative Assistant for the City of Winsted at a wage of \$15.00 per hour, with an employment start date of April 18, 2016.

h) Vollmer Room Refrigerator

Authorized the City Administrator to purchase a Frigidaire Commercial eighteen (18) cubic foot refrigerator from ApplianceSmart for an amount not to exceed \$1,700.00.

i) Client Agreement and Authorization – Environmental Mosquito Management Program, Clarke Environmental Mosquito Management, Inc.

Authorized the City Administrator to execute a Client Agreement and Authorization for an Environmental Mosquito Management Program with Clarke Environmental Mosquito Management, Incorporated for the years 2016 . 2018.

j) Dance Permit - Rescheduled Date – April 8, 2016

Approved a Dance Permit for the Blue Note Ballroom, 320. 3rd Street South, for Friday, April 8, 2016 rescheduled from Friday, April 15, 2016.

k) Resolution R-16-17 – Donation – Millerbernd Manufacturing

Adopted Resolution R-16-17 to accept a donation from Millerbernd Manufacturing to be dedicated to the Winsted Police Department for the Drug Abuse Resistance Education (D.A.R.E.) program\$ student trip to the Minnesota Twins Game.

l) Rezoning Application Fee Waiver

Approved a one-time waiver of the \$500 Rezoning Application Fee for 230 Main Avenue West.

m) Claims

Approved the claims list for April 5, 2016.

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

3) No Public Hearings.

4) No Old Business.

5) New Business

a) Resolution R-16-18 - Kingsley Street Area Improvements Project Bid Approval

Mr. Jake Saulsbury, City Engineer, Bolton and Menk, Incorporated, stated that six (6) bids were received for the Kingsley Street Area Improvement Project on Wednesday, March 30, 2016. Evaluation of the bids indicates the bidding process was very competitive. The low bid submitted was nineteen percent (19%) below the engineer\$ estimated amount of \$1,140,000 and ten percent (10%) below the high bid of \$1,020,959.55.

Mr. Saulsbury stated that R & R Excavating has successfully completed projects of this type in the past and thereby have shown themselves to be a responsible contractor. He added that based on the items above, the City Engineer recommends the City award a contract in the amount of \$915,688.32 to R & R Excavating.

Mr. Saulsbury stated that if this contract is awarded, the contracts are ready and would be mailed the next day, to get the process moving. He added that he also performed a calculation of the assessments, and they are calculated to decrease by approximately twenty percent (20%).

Council Member Ollig asked for the estimated amount of the project. Mr. Saulsbury responded, stating the original project estimate from the City Engineer was \$1,400,000, including all of the bidding, surveying and engineering, and now the project is estimated to be around \$1,200,000.

Mayor Stotko inquired about the anticipated start date. Mr. Saulsbury stated that it is a little early to tell; however, he is estimating the start date to be early or mid-May, 2016.

Council Member Ollig asked if notices are distributed to residents in the project area prior to the start of construction. Mr. Saulsbury stated that property owners will be notified by mail. The mailing list will include everyone on the assessment roll, as well as any other individuals the City would like to add. The letter will also include contact information, in case residents have an issue. Council Member Schulenberg asked if the letter would indicate times when water service will be shut off. Mr. Saulsbury stated that one (1) letter will be sent out with contact information, and in an instance when a resident may have a blocked driveway or water shut off, each resident will be noticed individually by phone or at the property. Council Member Schulenberg also inquired about the residents' ability to make repairs to a driveway during the construction project. Mr. Saulsbury stated that personnel from Bolton and Menk, Incorporated will be marking driveways for removal, and if property owners would like to replace a larger area or the entire driveway, the property owner will be given the contact information for the contractor to contact them directly and sign an individual contract. Mr. Saulsbury added that the property owner may receive a reduced cost due to the fact that the contractor is already in the area.

Mr. Saulsbury stated that a website will be created by Bolton & Menk, Incorporated. The website is typically hosted on the Bolton and Menk website with a link included with the contact information in the initial letter to residents, as well as on the City of Winsted website. Mayor Stotko also made a recommendation to contact the local newspaper to publish a story about the project prior to the start date to offer notice and information to area residents.

Council Member Patty Fitzgerald asked if emergency vehicles would have access to the area at all times. Mr. Saulsbury stated that emergency personnel are notified of what is occurring. He added that they would typically have to go around the construction project; however, if there is an incident on the project, they are informed of what is happening, as well as being provided with on-site contact information.

Council Member Bonnie Quast motioned to adopt Resolution R-16-18 awarding the bid for the Kingsley Street Area Improvement Project to R&R Excavating in the amount of \$915,688.32. Council Member Fitzgerald seconded the motion. Motion carried 5-0.

b) Winsted Industrial Park Expansion Plat

Mr. Tienter stated that on October 14, 2014, the City Council approved the acquisition of a forty (40) acre tract of land to expand the existing industrial park (Resolution No. 14. 31). As part of the land development process, the City must divide the forty (40) acre tract into smaller lots for the purposes of sale. At present, the City may either divide the land in question through metes and bounds or platting.

Mr. Tienter stated that while metes and bounds would be a less expensive option for the division of the industrial park expansion, it may result in inconsistent land development. Conversely, while platting would be more expensive, it allows the City to prepare the entire tract of land for current and future development. Unlike metes and bounds, the plat would provide locations of drainage and utility easements as well as public rights of way and allow for simplified legal descriptions, which are necessary for orderly and timely development and sale, for the entire industrial park expansion. As such, City staff recommend the Council plat the industrial park expansion.

Mr. Tienter added that generally, to prepare a plat, the developer must engage a licensed surveyor and account for any environmental impacts, such as wetlands. Thereafter, the plat must be reviewed by the planning commission of the affected municipality and county and adopted by the governing body of each. This process usually takes one (1) to four (4) months.

Mr. Tienter stated that City staff estimate the costs of plat map preparation and associated fees to total approximately \$12,000. This activity, however, was not included in the 2016 Adopted Budget and City staff recommend the City Council support these costs using Industrial Park Fund Balance. The current Industrial Park Fund Balance can support this additional expenditure.

Mr. Saulsbury stated that the estimated cost is considered a conservative budget number. He added that the problem with survey work is that it is difficult to estimate until the engineers do the research and find any easements and encumbrances there may be. Mr. Saulsbury stated that this could be a very simple process, but if there are any complicated items, then the work is delayed and the cost will increase. He added that this property should be fairly clean, since it has been agricultural, and he does not anticipate any issues. This cost is including room for the unknowns. Mr. Tienter stated that the City Engineer's initial estimate was \$10,000 and he added some additional cost to the figure to allow for the items that

were mentioned by Mr. Saulsbury. Mr. Tienter added that depending on how the land is platted, there may be a need for additional plat amendments, and this cost estimate anticipates the need to initiate a plat amendment process in the event that the City were to sell more lots to prospective tenants. He added that City staff will not need to come back to the City Council to amend the plat every time there is a sale.

Council Member Fitzgerald motioned to authorize the City Engineer to plat the forty (40) acre Industrial Park Expansion at a cost not to exceed \$12,000. Council Member Schulenberg seconded the motion. Motion carried 5-0.

c) Ordinance O-16-03 – Solar Energy Systems

Mr. Tienter stated that a request has been made and a public hearing has been held at the March 14, 2015 Planning Commission meeting to update the language in the zoning ordinance regarding solar energy systems (SES). At that Planning Commission meeting the Planning Commission voted to recommend approval of the text amendment. These changes are being considered in part because of a discussion regarding a SES being located within the City. Minnesota Solar, LLC has requested the text amendment in order to facilitate a solar garden on property zoned I-1 Industrial. At this time the text will be amended so all SES requirements and procedures are updated and then the application for the solar garden would follow.

Mr. Tienter stated that SES are smaller solar-generating electrical facilities that are under five (5) megawatts. He stated that items that have been reviewed are the different types of SES that need to be regulated. These consist of ground mounted SES, building/roof mounted SES, community SES and Solar Farms. Definitions of these different systems are included in the proposed text amendment. Another item of importance involves what district the different types of SES should be allowed in. To help simplify this, Mr. Tienter reviewed the following table, which specifies where the different types of SES are proposed to be allowed:

	Roof or Building Mounted SES	Ground Mounted SES	Community SES	Solar Farms
R-1A Single Family Residential	A	A	N	N
R-1B Single Family Residential	A	A	N	N
R-2 Multiple Family Residential	A	A	N	N
R-M Manufactured Home Residential	A	A	N	N
C-1 Commercial Downtown Business	A	A	N	N
C-2 Highway Commercial	A	A	N	N
I-1 Industrial	A	A	I (either A or P)	N
A Airport	I	I	N	N
A = Accessory Use; P = Principal Use; I = Interim Use; and N = Not Permitted				

Mr. Tienter stated that this ordinance allows a rule for building mounted or ground mounted solar panels as a permitted accessory use in each of the zoning sections, for the purpose of electrical generation on site, to service the home or individual property.

Mr. Tienter stated that the ordinance also adds consideration for the use of community solar gardens, which are larger facilities and generate up to five (5) megawatts of power. Those megawatts are then purchased by interested parties to reduce their overall costs and produce renewable energies. Mr. Tienter added that typically the power in question is wheeled onto the local provider's energy system and then added to their distribution network.

Mr. Tienter reviewed the items included in the ordinance that were discussed in a little more detail at the Planning Commission level, in regards to solar gardens:

- Solar gardens will be allowed as an accessory or principle use in an industrial district, or any area that is zoned industrial, and not permitted in any other districts.
- Solar gardens would be considered an interim use, meaning the City Council would go through an interim use process, which is very similar to a conditional use process. A variety of conditions and questions would be addressed and possibly mitigated through the permit process. The difference

between an interim use process and a conditional use permit is that an interim use will sunset after a set number of years or a period of time. Typically, for a solar garden, the use would sunset after twenty-five (25) years. A conditional use is permanent and the use is perpetual.

- This ordinance considers density and states that no solar garden can be located within one half mile of another solar garden.
- The City Council and Planning Commission can still consider the development of other community solar gardens by amending the ordinance or by providing for a variance. This ordinance provides the City Council with more control over the development and location of solar gardens.

Mr. Tienter stated that this ordinance was a very lengthy and deliberate discussion at the Planning Commission level. Council Member Ollig stated that the Planning Commission was very diligent with the questions that were asked and introduced Mr. Gerardo G. Ruiz, a representative from Minnesota Solar, LLC.

Mr. Ruiz stated that the community solar garden is part of an initiative and legislative framework in the State of Minnesota that allows for the development of solar energy and cities and counties around the state have been addressing the need for ordinances, as that process is unfolding in Winsted. He added that the company selected a site in the industrial area that is south and east of the Winsted Municipal Airport, which seems viable.

Mr. Ruiz stated that his company has an agreement with the landowner for a twenty-five (25) year lease with a possible extension of another five (5) years. He added that typically, how the solar gardens are structured financially and because of the technical nature of the panels, the natural life of the equipment is twenty-five (25) years to a maximum of thirty (30) years. Mr. Ruiz stated that from the standpoint of impact on the land, it is quite minimal and green minded, given that it is a renewable energy source.

Mr. Ruiz also noted that the area for the solar garden would be fenced, because it is an electrical facility and should be fenced for safety and to protect the assets. He added that the company works with the individual city to define what kind of screening might be appropriate and each case may differ based on proximity of facilities or neighbors. They discuss the opacity and number of trees or bushes that may be necessary, trying to accommodate each circumstance. Mr. Tienter stated that the ordinance includes a provision that screening has to be consistent with the screening guidelines that are listed in other areas of the zoning ordinance. He noted that as part of the interim use process, the City Council can attach other screening or visual relief requirements for the site.

Council Member Schulenberg asked if there are solar gardens that have been installed in any nearby communities. Mr. Ruiz stated that this is an initiative that is currently in a land permitting process or in the design and construction stages with Xcel Energy. The one (1) to five (5) megawatt facilities are not in operation at this time; however, they are expecting quite a few by the end of 2016.

Council Member Ollig asked Mr. Ruiz why his company chose the site in Winsted. Mr. Ruiz stated that there are several parameters that the company looks for, including the willingness of the landowner to entertain this proposition, the proximity to electrical infrastructure, as well as solar resource. He added that the due diligence takes many months, and many of the steps have to do with the interaction with local authorities and references to land issues and permitting. Mr. Ruiz stated that there is a lot of due diligence around environmental impact and other factors.

Council Member Ollig inquired about the expected build out. Mr. Ruiz responded by stating that there is a chance that they could begin building at the end of 2016, but it might slide into Spring, 2017. Mr. Ruiz added that right now the schedule is driven by factors that they do not control, and added that If the ordinance moves forward, the company could submit a permit application; however, there is still due diligence to be done with Xcel Energy.

The City Council discussed potential safety hazards, as well as the size and number of structures that are proposed for the location in Winsted.

Council Member Ollig motioned to adopt Ordinance O-16-03 amending certain portions of Section 1, Chapter 15 of the Municipal Code of the City of Winsted concerning regulations of solar energy systems. Council Member Schulenberg seconded the motion. Motion carried 5-0.

d) Commercial Operations Agreement – Skydive the Lakes, LLC

Mr. Tienter stated that On May 19, 2015, the City Council approved an Operations Agreement between the City of Winsted and Skydive the Lakes, LLC, a commercial, fixed base operator providing skydiving services at the Winsted Municipal Airport. The agreement, which outlines specific conditions and terms for the use of the Airport by Skydive the Lakes, expired on December 31, 2015.

Mr. Tienter stated that on December 28, 2015, City staff met with a representative from Skydive the Lakes to discuss the possible renewal of the agreement and any proposed modifications to the previously approved terms and conditions. He stated that during this meeting, Skydive the Lakes made six (6) requests, which were reviewed by City staff and further discussed at the March 15, 2016 City Council Work Session. Following the Work Session and using the guidance provided by the City Council, City staff and Skydive the Lakes met on March 16, 2016 and agreed on the following revised terms and conditions of the agreement:

- Thirty (30) additional minutes to conduct said night jumps;
- Reauthorization of the agreement through December 31, 2016;
- Revised payment schedule for the Commercial Operator Fee;
- Reduction of the Commercial Operator Fee from \$10,398.75 to \$6,590.00.

Mr. Tienter stated that the present agreement allows two (2) hours for night jumps, and after reviewing that requirement with representatives from Skydive the Lakes, they stated that typically, two (2) hours is only enough time to get up and down for one (1) jump. They would like to conduct two (2) jumps, and only need a few more minutes to get a second jump in.

Mr. Tienter stated that this reauthorization is only through the end of 2016, so around this time in 2017, the City Council will be asked to entertain another operations agreement, which creates another opportunity to negotiate these terms.

Mr. Tienter stated that the proposed agreement revises the payment schedule for the Commercial Operator Fee. He added that representatives from Skydive the Lakes asked for the second (2nd) payment to be moved from May to June, so it will stagger the payments over the summer, rather than having two (2) payments back to back.

Mr. Tienter stated that per the recently expired agreement, Skydive the Lakes provides the City with two agreed upon fees: 1) the Commercial Operator Fee, established through a methodology approved by the Council (Resolution No. 13. 02) to recoup the additional City costs for servicing a commercial enterprise; and 2) an exclusive land lease, which provides approximately 7.76 acres of Airport property for drop or landing zone purposes. The fees are \$8,846.75 and \$1,552.00, respectively, for a total of \$10,398.75.

Mr. Tienter stated that City staff reviewed the estimated City costs and determined that the overall decrease in City staff time required to service Skydive the Lakes warranted a reduction in the fee. Based on a fee analysis, City staff recommend a Commercial Operator Fee of \$5,038.00 and no change in the drop or landing zone fee for a total fee of \$6,590.00, or a total reduction of \$3,808.75.

Mr. Tienter stated that the adopted 2016 Airport Budget anticipated fees of \$10,398.75. The abovementioned reduction results in a \$2,466 operating deficit for the Airport Budget. He added that City staff will monitor the Airport Budget closely and make expenditure adjustments as needed. Mr. Tienter noted that typically, the Airport Budget comes in under budget, so it should not affect airport operations.

Mr. Tienter stated that Kristin Merritt, Owner-Operator of Skydive the Lakes, sent a very nice note, thanking the City Council and expressing her gratitude for the interest in allowing her to continue operation at the Winsted Municipal Airport; however, she was not able to attend the meeting because she was feeling under the weather.

Council Member Ollig asked if the complaints in 2015 were less, compared to prior years. Mr. Tienter stated that the number of complaints was reviewed as part of the calculation of the fee, and so the reduction in the fee reflects a direct drop in the number of complaints received.

Council Member Schulenberg motioned to authorize the Mayor to execute a Commercial Operation Agreement with Skydive the Lakes, LLC to operate a skydiving business and related activities. Council Member Quast seconded the motion. Motion carried 5-0.

6) Organization Report

a) Winsted Police Department – Police Chief Justin Heldt

Mr. Justin Heldt, Police Chief for the Winsted Police Department, reported on the following:

November, 2015:

- Chief Heldt assisted the Winsted Fire Department (WFD) with interviews for officer appointments.
- Officer Reiner successfully completed his field training and started solo patrol.
- Worked with City Staff and Kubasch Excavating to address safety concerns at the former Winsted Elevator property.
- Police Department staff attended yearly Occupational Safety and Health Administration (OSHA), and safety training at Winsted City Hall.
- Minnesota Board of Peace Officer Standards and Training (POST) performed an audit of the Police Department training records and police policies. Received a letter and certificate of successfully meeting POST requirements.
- Participated in a Driving While Intoxicated (DWI) Safe & Sober wave . November, 2015 through early January, 2016. Several other agencies throughout the state participated, as well.

December, 2015:

- Provided traffic control for the Winsted Winter Festival Parade.

January, 2016:

- Celebrated the career of Officer Fred Blaser, who retired January 1, 2016 with a cake and coffee.
- Officers completed Cardiopulmonary Resuscitation (CPR) refresher training and other annual trainings.
- Attended the City Council Goal Setting retreat.
- Started the 2016 Drug Abuse Resistance Education (D.A.R.E.) program with the Holy Trinity 6th Grade Class.
- Officer Reiner began his Emergency Medical Technician (EMT) training through Ridgewater College.

February, 2016:

- Officer Bruns attended Field Training Officer (FTO) training and obtained his FTO certification.
- Held interviews for part-time Police Officers.
- Officers completed annual trainings.

March, 2016:

- Officer Lammers attended the Minnesota Chiefs Association Leadership Academy.
- Chief Heldt assisted the City in an Accident Review Meeting.
- Assisted with the Winsted Knights of Columbus Fish Fry.
- Officer Henrich, Officer Lammers, and Chief Heldt recertified as EMTs.
- Attended the Winsted Chamber of Commerce meeting at the Blue Note.
- Began internship with Josiah Rehmann.
- Had a booth at the Winsted Women's Expo with the McLeod County Sheriff's Office (MCSO).
- Assisted City staff on the part-time Administrative Assistant interview panel.
- Assisted with the Winsted Chamber of Commerce Easter Egg Hunt at St. Mary's Care Center.

April, 2016:

- Held a tour for the Holy Trinity preschoolers at the Police Department.
- Continue to work with City staff on safety upgrades for Winsted City Hall.
- 2015 Annual Report was completed and is included in the City Council Packets.

Areas of Interest:

- ⇒ Accident totals are similar to 2014 with twenty-five (25) accidents.
- ⇒ DWI events totaled eighteen (18), which is below the ten (10) year average of around twenty-four (24).
- ⇒ Dog Complaints totaled sixty-five (65). This is an increase of fourteen (14) from 2014 and the most in the last ten (10) years.
- ⇒ Arrests totaled sixty-three (63). This number is up from a total of forty (40) in 2015, but similar to previous years.
- ⇒ Citations totaled 233, which is down from the ten (10) year average of about 322.
- ⇒ Thefts totaled seventy-three (73), which is similar to 2015.
- ⇒ Medicals totaled 185, which is up from 151 calls in 2015, and the ten (10) year high.
- ⇒ Drug Complaints totaled nineteen (19), which is similar to 2015.
- ⇒ Vulnerable Adult Investigations totaled seventeen (17). This number is up from ten (10) in 2014 and will continue to increase. There are easier reporting methods by mandated reporters.

Upcoming Events:

- Arrival of the new squad car is expected in the latter half of April, 2016. It will take a couple of weeks to outfit once delivered.
- Police Department Open House to be held May 21, 2016 from 1 p.m. to 4 p.m. Notices will be sent out, as well as the cable channel and Facebook.
- Officer Joshua Fahey will begin his part-time employment soon.
- Chief Heldt will be attending Chief Executive Training Institute in mid-April, 2016.
- Bike Rodeo will be held May 12, 2016 at Winsted Elementary School playground.

Council Member Schulenberg stated that he requested assistance from the Winsted Police Department for standby at the Winsted Lions Bingo event at The Blue Note, 320-3rd Street South, on March 22, 2016. He added that Officer Tyler Bruns was available throughout the night.

Council Member Quast stated that the Winsted Police Department is the best department around and advised them to continue doing a good job.

Council Member Ollig asked Chief Heldt what keeps him up at night, or concerns him as the Police Chief. Chief Heldt stated that his biggest concern is making sure policies, procedures, and equipment are in place in case something does go wrong in the City of Winsted. Council Member Ollig inquired about the crime that has increased the most. Chief Heldt stated that the most consistent crimes are drug and alcohol related, which can lead to other crimes.

Council Member Fitzgerald asked if the Winsted Police Officers train outside of Winsted city-limits, as well as for the Field Training Officers (FTO). Chief Heldt briefly reviewed the FTO phases and locations.

Council Member Ollig stated that if the population for the City of Winsted reaches a number greater than 2,500, the Department will change. Chief Heldt stated that with a population greater than 2,500, the Winsted Police Department will be required to hire records personnel.

Mayor Stotko referred to a chart that was disbursed to the City Council and noted that patrolling is the largest task. He asked Chief Heldt if patrolling has increased since a fourth (4th) officer was hired. Chief Heldt stated that patrolling has increased in the City of Winsted, and he believes visibility is key. Mayor Stotko echoed Council Member Quast's statement, and advised the Police Officers to be careful. Chief Heldt stated that the City of Winsted has a good group of officers.

7) **No Open Forum.**

8) **No Announcements.**

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 6:45 p.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Amanda Zeidler

Amanda Zeidler, MCMC
Utility Billing & Payroll Clerk
City of Winsted