

City of Winsted  
City Council Work Session  
Lewis Room  
Tuesday, April 21, 2015  
5:00 p.m.

Present: Mayor Steve Stotko  
Council Member Bonita 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. Fran Eggert, City Attorney

### **I. Call to Order**

Mayor Stotko called the meeting to order at 5:00 p.m.

### **II. Winsted Municipal Airport – Minimum Standards Policy**

Mr. Wilfahrt stated the City of Winsted currently operates a Municipal Airport. The Winsted Municipal Airport is managed by the Public Works Department's Maintenance Supervisor and the City Administrator. Oftentimes there have been questions or concerns raised that require City staff attention. Since there is not an official airport policy, Staff addresses issues on a case-by-case basis, which can result in inefficiency and inconsistency in enforcement of rules.

Mr. Wilfahrt stated that in the year 2014, City staff began development of an Airport Minimum Standards Policy. He presented the first draft version for review by the City Council. The proposed Policy is intended to address common issues at the Airport and future issues that are anticipated. City staff has developed and reviewed the Policy with the help of the City Engineer and the Minnesota Department of Transportation/Office of Aeronautics (MN DOT/OA).

Mr. Wilfahrt stated that City staff would like the City Council to review the Policy and make recommendations. Mr. Wilfahrt noted that this is the second review of the Airport Minimum Standards Policy at the Work Session. Once review of the Policy is complete, City staff will seek City Council approval of the Policy at a future Regular City Council meeting.

The City Council had a discussion about whether firearms should be banned at the Airport. Mr. Wilfahrt noted the proposed Policy was taken directly from MN DOT/OA and is intended to govern local facilities. He continued by stating that if the City wanted to ban firearms, it would be necessary to inspect the businesses periodically.

### **III. Summer Hours**

Mr. Wilfahrt stated that last year while reviewing hours of other communities, City staff noticed that many communities offer summer hours. Typically, summer hours are nine (9) hours Monday through Thursday and then four (4) hours on Friday. At Winsted City Hall, there are only four (4) to five (5) people who would be affected by the new hours. Winsted used these hours last year, during the summer months in the year 2014, and received a number of positive comments about them. There were a few questions; however, City staff did not hear complaints from any residents.

Mr. Wilfahrt stated that City staff would like to move to summer hours again over the summer months of the year 2015. Staff recommends being open 7:30 a.m. to 5:00 p.m. Monday through Thursday, and 7:30 a.m. to 11:30 a.m. on Friday. The reason for doing so is threefold:

1. First, extending hours beyond 4:30 p.m. gives residents the opportunity to come to City Hall after work. If residents go in to work at 8:00 a.m. and do not get off of work until between 4:00 p.m. and 5:00 p.m., it makes it difficult to come into City Hall unless they take time off of work. By being open slightly before 8:00 a.m. and until 5:00 p.m., the hours are more convenient for residents.
2. Additionally, Friday afternoons at City Hall are one of the slowest times for business, especially during the summer months. Residents are more likely spending Friday afternoons preparing for the weekend than doing business at City Hall. Anecdotally, this is one of the least effective times for City Hall to be open.
3. Finally, there is the morale aspect of this choice. City staff would find the hours beneficial to their personal lives.

Mr. Wilfahrt stated that the City Council discussed this at the City Council Work Session on April 7, 2015, when it suggested that City staff consider other alternatives such as having one (1) staff person work Friday afternoons on a rotating basis, or hiring a part-time person to come in.

Mr. Wilfahrt stated that there are only two (2) front desk people; so, Fridays would have to be rotated between two (2) people, which would create an inconsistent schedule from week to week. It would also create issues if one (1) person were to be ill or have an emergency.

Mr. Wilfahrt recommended that the City Council proceed with the original proposed summer hours, and if they do not agree with this option, the hours will remain the same.

Council Members Ollig and Schulenberg were in favor of summer hours.

Council Member Quast stated she was under the impression there was more staff on duty when this change was suggested. Given the limited number of staff that would be available, she would not be in favor of summer hours.

Council Member Fasching stated given the fact there was only one (1) complaint last year, he would be willing to go with the summer hours again this year.

Mayor Stotko indicated he would prefer City Hall remain open on Fridays.

#### **IV. Westside Skydiving, Limited Liability Company (LLC) – Agreement**

Mr. Wilfahrt gave a brief update on the process that the City staff is taking in regards to discontinuing the Westside Skydiving, LLC, agreement with Mr. Joe Johnson. At the present time, the Federal Bureau of Investigation (FBI) is investigating the situation to see whether any criminal conduct has occurred. City staff would recommend the City wait until all criminal investigations are completed prior to terminating the contract with Westside Skydiving, LLC.

Mr. Wilfahrt stated that City staff and the City Attorney have been working with Ms. Kristin Merritt to develop a new skydiving agreement which would allow her to operate a skydiving business at the Winsted Municipal Airport. Ms. Merritt is the current owner of Westside Skydiving, LLC.

City Attorney, Mr. Fran Eggert gave a brief overview of his discussions with Ms. Merritt and her attorney. Mr. Eggert stated Ms. Merritt has severed all ties with Mr. Joe Johnson.

Ms. Kristin Merritt was in attendance at the Work Session. Ms. Merritt addressed the City Council and asked them to consider giving her a new agreement to operate a skydiving business at the Winsted Municipal Airport.

Mr. Eggert stated he has prepared a new agreement between the City of Winsted and Ms. Merritt. The agreement would be in effect from now until December 31, 2015. Mr. Eggert continued by stating that he has also prepared a termination agreement for Westside Skydiving, LLC. The business has approximately twenty (20) employees.

Mayor Stotko asked Mr. Eggert if Ms. Merritt has formed a new Limited Liability Company (LLC).

Mr. Eggert stated that Ms. Merritt has formed a new LLC.

Council Member Ollig stated the concern of the City Council is that in a previous document that the City received from Ms. Merritt's attorney there was a clause that stated that Mr. Joe Johnson could retain ownership of the skydiving business at any time for the cost of \$1.00.

Mr. Eggert stated that clause has been removed and Mr. Johnson will be required to sign an agreement that states he cannot retain ownership and/or buy back his shares in the skydiving business.

Mayor Stotko asked Mr. Eggert if the agreement with Ms. Merritt contains a ~~Morals~~ clause. In the event she would be involved in any type of illegal activity, her agreement with the City would be discontinued immediately. Mr. Eggert stated that Ms. Merritt's agreement does contain a ~~Morals~~ clause.

Mr. Randy and Mrs. Linda Nelson, 22882 Flower Road, Silver Lake, Minnesota, were in attendance at the Work Session. Mr. and Mrs. Nelson addressed the City Council regarding the noise created by the skydiving airplanes when they fly over their property and/or house. Ms. Merritt obtained Mr. and Mrs. Nelson's contact information and stated that she would discuss rerouting their flight path with the skydiving pilots so the airplanes are not flying over the Nelson's property and/or house.

Mr. Wilfahrt stated that City staff will compile additional information regarding the new skydiving LLC and bring this matter back before the City Council.

#### **V. 126 Lake Avenue East**

The City's Engineer, Mr. Jake Saulsbury of Bolton and Menk, Incorporated, was in attendance at the Work Session.

The property owner of 126 Lake Avenue East, Mr. Ralph Millerbernd, was in attendance at the meeting.

Mr. Saulsbury stated that Mr. Millerbernd has demolished two (2) houses on the properties at the east end of Lake Avenue and is planning to construct one (1) new home. It was brought to the City's attention that an existing sanitary sewer line runs through the proposed footprint of the new home.

Mr. Saulsbury stated that he met onsite with the City's Public Works Department and the property owner to evaluate and discuss the sanitary sewer line. He continued by presenting his preliminary findings and recommendations pertaining to the sanitary sewer line:

1. An existing sanitary manhole exists to the north of the property that is under construction. This manhole has two (2) service lines entering it. One (1) of these service lines is believed to be a shared service; therefore, this manhole likely services three (3) houses to the north of Mr. Millerbernd's property.
2. The location of this sewer line is estimated to run under the proposed house in a southeasterly direction where it connects to the trunk sewer line located along the lake.
3. The sewer line is likely not contained within an easement nor has it been maintained by the City of Winsted.
4. Excavation for the new house is tentatively planned to begin on May 1, 2015. Mr. Millerbernd is anxious to get this issue resolved to avoid a delay in the construction of his new house.

Mr. Saulsbury presented sketches of three (3) options of how to deal with the aforementioned sewer line. He continued by giving a brief description of each of the three (3) options:

#### **Option One (1) – Do Nothing:**

The building plans show the westerly thirty-eight (38) feet of the proposed house to be a slab on grade garage; therefore, there is not a basement planned for where the existing private sewer line

is estimated to be. The existing sewer line would likely be five (5) to six (6) feet below the garage floor. This would result in the new house being built over the sewer line; as was the case previously. This option is not recommended as the condition of the sewer line is unknown and constructing on top of it may cause the sewer pipe to collapse. Also, future repairs would not be able to be completed due to the location of the house. This option is only presented in order to show that construction of the house could continue while a sewer line realignment project is completed.

Mr. Millerbernd stated that he believes that the existing sanitary sewer line is located further east on the property; so, Option One (1) would not be viable option. Mr. Saulsbury stated that he does not believe that Option One (1) is a viable option.

**Option Two (2) – New Alignment Parallel to Proposed House:**

This option relocates the sewer line to the west of the proposed house. The alignment is placed to minimize the construction cost. The alignment avoids the existing retaining wall to the west and limits the amount of restoration at the south end by keeping the location of the new manhole near the construction limits of the proposed driveway. An easement should be obtained by the City of Winsted over this new alignment.

**Option Three (3) – New Alignment Parallel to West Property Line:**

This option is similar to option two (2) and is to the west of the proposed house. The difference is the sewer pipe alignment would parallel the westerly property line and maximize the distance from the proposed house. An easement should also be obtained by the City of Winsted over this alignment.

Mr. Saulsbury stated that option two (2) is recommended as it allows for future repair and maintenance of the sewer line without any disruption of service or significant damage to adjacent properties. The proposed manhole to the south also allows for the new house to have a better connection for their proposed service line to the existing sanitary sewer. Finally, although cost estimates have not been completed the cost is significantly less than option three (3) as a result of not having to remove and replace storm sewer, curb, bituminous pavement, and a retaining wall.

Mr. Saulsbury stated that in order to fund the realignment of the sanitary sewer line, the City could consider cost sharing from Mr. Millerbernd and/or the property owners of the three (3) houses to the north of Mr. Millerbernd's property that also use the aforementioned sewer line. He continued by recommending that the City obtain a fifteen (15)-foot wide easement over the realigned sewer pipe.

Mr. Millerbernd's contractor was in attendance in the meeting and stated that the cost to move the sanitary sewer line as proposed in Option Two (2) is approximately \$15,000 to \$17,000.

Mr. Millerbernd asked if there could only be one (1) manhole on the property. Mr. Saulsbury stated that the proposed southerly manhole should remain; however, the proposed northerly manhole could be replaced with a clean-out instead of a manhole. Mr. Saulsbury stated that having one (1) manhole and one (1) clean-out would reduce the cost of the project.

Mr. Wilfahrt asked Mr. Saulsbury if the replacement of the northerly manhole with a clean-out would mean an amendment of the proposed alignment of the sanitary sewer line. Mr. Saulsbury stated the alignment should remain the same as presented in Option Two (2).

Mr. Saulsbury asked Mr. Millerbernd if he would agree to give the City of Winsted an easement over the realigned sanitary sewer line. Mr. Millerbernd stated that he would give the City an easement.

Council Member Fasching asked if the other homeowners that receive service from the aforementioned sanitary sewer line would have no service for an extended period of time. Mr. Saulsbury stated that the new sanitary sewer line would be constructed first and then it would only be approximately one (1) hour of no service until the existing service lines from the other houses are connected to the new sanitary sewer line.

The City Council discussed and agreed that Mr. Millerbernd's contractor should proceed with Option Two (2). The Council also directed Mr. Eggert and Mr. Wilfahrt to obtain an easement for the City from Mr. Millerbernd and, if necessary, from the other property owners on Lake Avenue.

**VI. No Other.**

**VII. Adjourn**

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

The meeting was adjourned at 5:59 p.m.

*Steve Stotko*

Steve Stotko  
Mayor  
City of Winsted

ATTEST:

*Deborah R. Boelter*

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