

City of Winsted  
City Council Work Session  
Lewis Room  
Tuesday, October 6, 2015  
5:00 p.m.

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

Staff Present: Mr. Dan Tienter, City Administrator  
Ms. Deborah R. Boelter, City Clerk-Treasurer  
Mr. Justin Heldt, Winsted Police Department Chief

**I. Call to Order**

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

**II. Liquor Ordinance Amendments**

Mr. Tienter stated that during the July 21, 2015, City Council Work Session, the City Attorney, Mr. Fran Eggert, reviewed several recommended amendments to Chapter Twelve (12) of the City of Winsted's Municipal Code, which governs the sale, consumption, and display of intoxicating liquor, 3.2% malt liquor and wine.

Mr. Tienter stated that Mr. Eggert reviewed several changes made to intoxicating liquor laws of the State of Minnesota passed during the year 2015 Legislative Session concerning brew pubs, brewer taprooms, growlers, micro distilleries, small brewer off. sale and time of sale. Given the standard practices of updating the Code to remain consistent with State statute, the recommended amendments to Chapter Twelve (12) allow for the inclusion of these modifications.

Mr. Tienter stated that while the Code tends to remain consistent with State statute, the recommended amendments do not include a modification in the allowable hours of operations for liquor stores and other such establishments. At present, State statute permits on. sale, liquor sales to begin at 8:00 a.m. on Sundays, while the current Code allows for 11:00 a.m. The recommended changes to the Code do not change this regulation given the guidance provided by the City Council during the Work Session.

Mr. Tienter stated that he and Mr. Eggert discussed the State statute regarding pedal pubs. He continued by stating that he and Mr. Eggert have concluded at this time that it is not a priority to include the State statute language regulating pedal pubs in the City's Liquor Ordinance. In the future, the language may be added if the City Council decides that it is necessary.

Mr. Tienter stated that while the recommended amendments to Chapter Twelve (12) will have little financial impact, on the City, they allow the City to establish fees to permit the new activities added to the Code. The possible addition of these fees will be discussed as part of the annual Fee Schedule adoption.

Council Member Ollig asked if the amendments to the Liquor Ordinance will directly affect the current liquor establishment owners.

Mr. Tienter stated they would not unless those establishments decided to have other forms of service. The draft ordinance also allows for additional methods of permitting and those fees will be part of the Fee Schedule. City Staff will conduct some research to see what other cities charge for those types of permits and then make a recommendation on the fees.

A public hearing has been noticed for September 20 at 6 p.m., in the Council chambers to receive public comments on the changes and then have the Council take action on the ordinance amendments. Mr. Tienter noted it is not uncommon for the City to change its ordinances to reflect state law.

The City Council briefly discussed and agreed to move forward with the proposed Liquor Ordinance amendments.

### **III. Saturated Patrols**

Mr. Heldt stated the Winsted Police Department (Police Department) serves the citizens of the City of Winsted and the primary responsibilities are life, safety and protecting property. Recently the Police Department received a memo from the Minnesota State Patrol (State Patrol). The memo notes that traffic fatalities are high in the year 2015 and the State Patrol is looking into increasing patrols on the roadways to enforce traffic violations.

Mr. Heldt stated that the State Patrol memo is asking our Police Department to assist the Minnesota State Patrol and other law enforcement agencies in saturation patrols to enforce traffic violations in our community and other locations in McLeod County. This means Winsted's officers and squad cars would be conducting patrols outside of the City of Winsted jurisdiction at times. The goal is to reduce traffic related fatalities. These saturations would take place at predetermined dates and locations in McLeod County.

Mr. Heldt stated the memo states that a Police Officer of the jurisdiction where the saturation takes place must be present during the saturation at all times and calls for service would take precedence. This agreement would be valid until January 1, 2017. Police Officers would participate in these saturations during their normally scheduled shifts, or during Safe and Sober shifts.

Mr. Heldt stated he does not feel comfortable personally with his officers being in Hutchinson and the other surrounding cities even though in the past the Police Department has taken part in saturation patrols on Highway 7. Mr. Heldt stated in his view those would not be outside of Winsted's service area since they do work with the state highway patrol periodically. Mr. Heldt stated he would not require his officers to travel to Hutchinson or Glencoe since those are further away. Mr. Heldt noted he is also the only day officer and that he would not be able to participate in those saturation patrols when he is alone on duty. The primary responsibility of the officers is to the City of Winsted and this would not take away from those patrols. The Police Department already partakes in Safe and Sober, which is a federal grant program, through the National Safety Transportation Board, and those shifts are outside their normal shifts and conducted in the City of Winsted.

Mayor Stotko asked if the saturation patrols were discussed at the Chiefs meeting.

Mr. Heldt indicated it was not.

Mayor Stotko asked if the other cities in McLeod County have full-time police officers.

Mr. Heldt indicated they do not.

Mayor Stotko stated the main concern is response time.

Mr. Heldt stated that a Winsted Police Officer would only be allowed to participate in the State Patrol saturations is with his approval and when the Police Officers are not scheduled to work for the City of Winsted. The Police Officer would have to participate in the saturations on their own time. Mr. Heldt referenced the Mutual Aid memo from the Minnesota State Patrol relating to the amount of money the Police Department would be reimbursed for the use of Winsted's equipment.

The City Council discussed and agreed that they do not want the Winsted Police Department to participate in the saturations with the Minnesota State Patrol.

#### **IV. Cable Franchise Agreements**

Mr. Tienter stated that on July 7, 2015, the City of Winsted conducted a public hearing regarding the creation of a cable television franchise for the Winsted Telephone Company, doing business as TDS Telecom, which plans to launch cable television services with the City by November 1, 2015.

Mr. Tienter stated shortly thereafter, during the July 21, 2015, City Council Work Session, the City Attorney, Mr. Fran Eggert, reviewed the process and requirements for authorizing a franchise. Most notably, given the presence of an existing cable television franchise for another company, Mediacom, the City must offer same or similar assurances and terms to each.

Mr. Tienter stated that since the abovementioned Work Session, he and Mr. Eggert have negotiated with representatives of TDS Telecom the terms of a cable franchise agreement. While the City has not directly negotiated with representatives from Mediacom, they indicated their willingness to agree with those terms agreed upon between the City and TDS Telecom.

Mr. Tienter stated that during the September 25, 2015, City Council Special Meeting, the City scheduled two public hearings for October 20, 2015, for the revised cable television franchise with Mediacom and the authorization of a new cable television franchise with TDS Telecom.

Mr. Tienter stated that the financial impact for the City will likely be minimal as both agreements will allow for franchise fees to be paid as a percentage of the monthly gross receipts. Given the stable customer base within the City of Winsted, the amount of gross monthly receipts between the two companies will remain same or similar as customers simply switch from one company to the other.

Council Member Ollig stated that he would take exception to the last paragraph in the memo with regard to the financial impact to the City. Ollig noted Mediacom has approximately 350 households in Winsted, with the balance having satellite service. TDS has a partnership with Dish Network and a lot of these people who will be switching over to TDS currently have Dish. Ollig stated they have never been a part of a franchise agreement but now they will be.

Mr. Tienter stated that paragraph related to customers switching to one of the two cable companies and that the franchise fee would remain the same regardless of which company the customer went with.

Mayor Stotko asked Mr. Tienter how he and Mr. Eggert knew what Mediacom was paying. Mr. Tienter stated the City does have that information and that the main franchise fee is a gross percentage of the monthly receipts, which is then paid quarterly. While the City does not set a

particular fee per household, the franchise fee is simply a gross percentage of whatever Mediacom grosses in that month. The funds go into the Cable Fund.

Mr. Tienter noted the last the City Council authorized a cable agreement with Mediacom was in 1999. Staff used that agreement as the starting point for these negotiations with TDS. Other agreements with various cities were also reviewed by Staff. That research basically showed that five percent is a fairly standard fee, which was also consistent with what was charged under the 1999 agreement. Also included in the agreement are different PEG fees. Under Federal and State law, the cable companies have to provide public educational and government services and then pay a capital fee for the City to install and maintain the broadcast system.

Under the Mediacom agreement, they paid a lump sum at the beginning of the year and then the City could request additional fees after that if need be. The new agreement will allow TDS to recoup the cost of any PEG fees that are requested by the City through a per subscriber amount for an agreed upon term.

Staff also renegotiated the abandonment section of the agreement. TDS was initially proposing a three month notice to the City if they wished to terminate their franchise. City Staff requested that notice be increased to six months, which TDS has agreed to. Staff further negotiated stronger bonded insurance rates to reflect inflation. Mr. Tienter noted there is a 5-year review clause in the agreement, which would allow the City to review those rates and increase them if necessary.

Mr. Tienter noted he does have a meeting on Thursday with the City's insurance provider and that they will be reviewing the agreement to make sure they are comfortable with the rates. TDS is generally in agreement with the terms and Mediacom will be reviewing the agreement in the near future.

The City Council discussed this matter and directed Staff to proceed forward with the public hearing.

## **V. Other**

### **a) FEMA Letter Process – Bolton and Menk, Incorporated**

Mr. Tienter presented a memorandum from Bolton and Menk, Incorporated, regarding the FEMA letter process. The City went through a letter of map adjustment for the floodplain in relation to the County ditch located north of town. As a result of that process, the floodplain was decreased in size significantly. The City sent letters to the affected property owners that were party to the process letting them know that the letter of map adjustment was available. In that letter contact information for Tim Olson, a water resource engineer with Bolton and Menk, was provided.

At this point in time, the number of calls coming in is starting to become overwhelming for what they were prepared to do free of charge. As a result, Bolton and Menk has sent a letter to the City outlining a course of action calling for an informational meeting for the public. Mr. Tienter stated the City and Bolton and Menk have gone above and beyond what is required for the map adjustment and the FEMA process, which has alleviated a number of property owners from having to pay for flood insurance. A number of residents are still asking questions about the process and what they have to do next. At this point it becomes a civil matter between the homeowner and their lender and the type of mortgage they have.

Staff has spoken with Bolton and Menk on whether the process should be concluded and how that should occur. Bolton and Menk and Staff have decided to hold a public hearing at City Hall in the next couple of weeks. Tim Olson will speak to the residents at the public hearing, advise them of the process, and explain that the City will no longer be

involved. In order to prepare for the meeting, provide Staff with some basic information on floodplains, and conduct the public hearing, Bolton and Menk is requesting a fee of \$3,400, which would not include any past services they have provided in this regard.

Mr. Tienter recommended the City hold the informational meeting and pay Bolton and Menk their requested fee. The majority of the quote involves meeting preparation and the creating of maps. The original study conducted by Bolton and Menk cost approximately \$10,000.

The City Council discussed this item and requested Staff clarify with Bolton and Menk what the fee consists of.

**b) Public Works Signage Proposals**

Mr. Tienter noted he was asked by the Mayor and Council Member Quast about a new sign for the Winsted Fire Department. A quote for a new sign in front of the Fire Department and the Public Works Department was provided by Mildenberg for approximately \$3,200. The sign is similar to the signs at the entrances to the City and would be double-sided.

Mr. Tienter provided the quote and illustration of the sign to the Council. Mr. Tienter stated the next step would be to talk with the Herald Journal about graphics for the sign.

**c) Winsted Volunteer Fire Department – Officer Application Process**

Mr. Tienter reported the application period for the Fire Department closes October 21 and new officers will be appointed shortly thereafter.

**d) Public Hearing Process – Kingsley Street Area Improvements Project**

Mr. Tienter stated tonight, per the Chapter 29 rules, which are the statutes that govern the improvement process involving assessments, the City Council will be asked to approve the ordering of the improvement and preparation of plans on the proposed improvement project for Kingsley Street from Baker Avenue to McLeod Avenue. Mr. Tienter noted that approval would in no way obligate the City to undertake construction of the project but would merely allow the preparation of the final design documents.

Mr. Tienter noted State Statute allows the City Council to take a vote up to six months after the public hearing has been held and is under no obligation to approve the preparation of the plans tonight in the event there are questions that need to be reviewed by the City Engineer.

**e) Winsted Volunteer Fire Department – Controlled House Burn**

Council Member Quast noted the Police Department at the present time is not scheduled to be at the controlled burn on Saturday but that she would request to have a uniformed police officer at the controlled house burn.

Mr. Tienter stated initially the Fire Department had asked whether or not there would be a uniformed police officer present during the controlled burn. Mr. Tienter stated he and Justin Heldt discussed this, determined that the police officer would need to be paid overtime, and decided to have an officer on call rather than being physically present at the site. Part of the decision was informed by the state of the current overtime budget for the Police Department. Currently there is around \$300 left in the overtime budget and it is anticipated there will be significant overtime accrued during the holiday season.

Discussions were had with the Fire Department about this and the fire chief was informed about the police officer being on call. During the fire department meeting last night, some questions and concerns were raised about the lack of a police officer at the site.

Council Member Quast stated it comes down to a safety issue. Given that the controlled burn will take place on Saturday and is located downtown, there will be spectators in the area.

Mayor Stotko noted the police officer would not need to be present the entire time.

Council Member Quast stated they are planning on starting the fire around 8 a.m. and hope to be done around noon.

The City Council discussed this item. Mr. Tienter noted it would cost the City \$175 to have a police officer there for those four hours. Mr. Heldt indicated he will work the Saturday day shift instead of Friday but that there could still be some overtime hours incurred on Friday.

**f) Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies**

Mayor Stotko asked for clarification on Item g) *Resolution R-15-37 – Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies* on the Consent Agenda at tonight's Regular City Council.

Mr. Tienter stated one is the agreement to allow the Police Department to access court data, which needs to be approved periodically

Mr. Heldt stated it is important to have that information in the event the Police Department has arrested someone who has committed a similar crime and convicted of it so they are able to charge the person appropriately.

**VI. 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