

City of Winsted
City Council Meeting
Council Chambers
October 3, 2017
6:00 p.m.

Present: Mayor Steve Stotko
Council Member Patty Fitzgerald
Council Member Mike Henrich
Council Member Tom Ollig
Council Member George Schulenberg

Staff Present: Mr. Daniel Tienter, City Administrator
Ms. Raquel Kirchoff, City Clerk-Treasurer
Mr. Justin Heldt, Police Chief
Mr. Tyler Bruns, 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

Mayor Stotko read the Consent Agenda.

a) Approval of Minutes

Approved the minutes of the following:

- City Council Work Session – August 1, 2017
- City Council Regular Meeting – August 1, 2017

b) Account Authorization – Security Bank and Trust Company*

Authorized an updated Signature Card/Account Agreement with Security Bank and Trust Company by removing Bonita Quast and adding Thomas Ollig.

c) Bureau of Criminal Apprehension - Joint Powers Agreement

Authorized the Mayor and City Clerk-Treasurer to execute a Joint Powers Agreement and Court Data Services Subscriber Amendment to Criminal Justice Data Network (CJDN) Subscriber Agreement between the State of Minnesota and the City of Winsted on behalf of its Prosecuting Attorney.

d) Hay Ride Permit – Winsted Holding Activities that Unite People (WHAT UP)

Approved a hay ride sponsored by Winsted Holding Activities that Unite People (WHAT UP) on designated streets in the City of Winsted as approved by the Winsted Police Chief on Saturday, October 28, 2017 between the hours of 1:00 p.m. and 3:00 p.m.

e) Resolution R-17-43 – Donation – Winsted Lake Fountain

Adopted Resolution R-17-43, accepting a donation to be dedicated toward the purchase, installation, and maintenance of a water fountain for Winsted Lake.

f) Resolution R-17-44 – Winsted Volunteer Fire Department Relief Association – Gambling Contribution

Adopted Resolution R-17-44 to accept a contribution from gambling proceeds and other fundraising activities from the Winsted Volunteer Fire Department Relief Association in the amount of \$23,423 to be dedicated toward the Winsted Volunteer Fire Department Capital Improvement Plan, Fund 704, for the Winsted Volunteer Fire Department.

g) Claims

Approved the claims list for October 3, 2017.

h) Denis M. Campbell Field Improvement Project – Purchase Approval

Authorized the City Administrator to execute a proposal from Midwest Fence and Manufacturing Company for the purchase and installation of chain link fence at Denis M. Campbell Field, in the amount of \$5,882.00 and a five percent (5%) construction contingency for a total amount not to exceed \$6,176.10.

i) Winsted Police Department – Equipment Purchase

Approved a quote from Digital-Ally for the purchase and installation of two (2) wireless transfer modules to be installed in Winsted Police Department Squads for an amount not to exceed \$1,205.00.

j) Winsted Volunteer Fire Department – Sale of Equipment

Approved the sale of a 40 KVA Whisperwatt Generator and accompanying trailer to Mr. James Koch in the amount of \$2,000.00.

Council Member Ollig motioned to adopt the Consent Agenda as presented. Council Member Schulenberg seconded the motion. Motion carried 5-0. Council Member Henrich abstained from Item d – Hay Ride Permit-Winsted Holding Activities that Unite People (WHAT UP).

3) No Public Hearings

4) No Old Business

5) New Business

a) Winsted Volunteer Fire Department – Utility Vehicle Purchase

Mr. Daniel Tienter, City Administrator, stated that sometime prior to 1996 the Minnesota Department of Natural Resources (MN DNR) loaned a Gama Goat which is a six wheel vehicle, all-terrain vehicle, designed to help with grass fires and other situations to the Winsted Volunteer Fire Department (WVFD). The City received that vehicle free of cost under the condition that it be maintained in a state of good repair and returned to the MN DNR upon disposal.

Over the last several years, the Gama Goat has required an increasing amount of maintenance which has become costly and increased the down time of the vehicle itself. The WVFD began the process of identifying a replacement for the Gama Goat; and after working with the Lester Prairie Fire Department, they settled on replacing it with a 3400 XL Utility Terrain Vehicle (UTV) which is a side by side utility vehicle that seats four people.

The WVFD Relief Association raised all of the funds necessary to purchase the UTV and any corresponding equipment, which may include a 75 gallon tank and a trailer, through calendar sales, charitable gambling, and other fundraising activities. The total cost of the UTV and equipment is approximately \$34,423; \$22,403 for the UTV, \$7,650 for the fire-fighting equipment, and \$4,370 for the trailer.

Council Member Schulenberg stated his approval for the purchase as the City Council liaison for the Winsted Volunteer Fire Department and that the Gama Goat needed to be replaced because it did not function.

Council Member Fitzgerald motioned to authorize the City Administrator to purchase a Bobcat 3400XL Utility Vehicle at a cost not to exceed \$22,403 and the corresponding equipment at a cost not to exceed \$12,020; and to return the Gama Goat to the Minnesota Department of Natural Resources. Council Member Ollig seconded the motion. Motion carried 5-0.

6) DEPARTMENT REPORT

a) Building Inspector

Mr. Jack Weizel, Office Manager, Metro West Inspections, and Mr. Pat Skeie, Building Inspector, Metro West Inspections, presented the following information regarding building inspections.

In the Year 2016:

- 113 permits were issued.
- No new home construction permits were issued. Permits were mainly for additions, decks, re-roofing, re-siding, window replacement.
- The Waste Water Treatment Facility Improvement Project began.
- The solar panel field project began

In the Year 2017:

- 66 permits have been issued thus far.
- No new home construction permits have been issued.

Council Member Schulenberg asked what areas were covered by Metro West Inspections. Mr. Weizel stated that Metro West Inspections covers approximately 35 cities. He completes inspections in the cities of Rogers, Dayton, Corcoran and is certified to inspect schools, hospitals, bigger projects. Some areas that Metro West Inspections provides service for are Becker Township, Princeton, Princeton Township, Buffalo, Maple Lake, Excelsior, Medina, Corcoran, and Greenfield.

Council Member Ollig asked Mr. Skeie what cities he covered. Mr. Skeie stated that he provides inspections for the cities of Howard Lake and Winsted, and also assists with Carver County, Mayer and Young America.

Council Member Fitzgerald asked how long the inspectors worked as inspectors. Mr. Weizel stated that he has been inspecting for six months; prior to that he was a remodeling and building contractor.

7) Open Forum

a) Winsted Municipal Airport Land Acquisition

Mr. Ron Otto and Mrs. Darlene Otto, 23516 Grass Lake Road, Winsted, Minnesota, 55395 addressed the City Council Members.

Mrs. Otto stated that she and Mr. Otto felt it necessary to come to a City Council Meeting and announce publicly that they do not want to sell their property to the Winsted Municipal Airport. Mrs. Otto stated that they have had no complaints regarding the Winsted Municipal Airport for 40+ years, even though their neighbors have had complaints. Some of the issues that occur because of the airport include:

- Their garage doors would open when planes flew by.
- They have helped push airplanes from their yard, Grass Lake Road, and their neighbor's yard back to the airport when airplanes went down.
- They helped skydivers off their front yard, back yard, and helped car chasers find displaced skydivers.
- They provided the WVFD with a side by side when one of the airplanes went down and had a critical patient that had to be transported to the ambulance.

Mrs. Otto stated that she and Mr. Otto attended one of the first meetings in regard to the Winsted Municipal Airport, and stated that they were not interested in selling their property. They asked the City of Winsted Mayor if land would ever be taken by eminent domain, and the Mayor stated at that time that it would not. Mrs. Otto stated that the June 16, 2017 Winsted Herald Journal article states, "Council Members state that they are not interested in taking the land through eminent domain. Therefore if a property owner refuses to sell, paving would no longer be an option. If this happens the City Council could then decide to reconstruct the turf runway instead." Mrs. Otto stated that a City Council Member told Mr. Otto that if they did not want to sell their land, they should say "No" and it would not happen. Council Member Ollig stated that he was this Council

Member. Mrs. Otto stated that these are the reasons why Mr. and Mrs. Otto have not attended any other City Council Meetings regarding the Winsted Municipal Airport. They thought it was clear that they did not want to sell their property.

Mrs. Otto stated that when they learned that the City voted to move forward with a paved runway alternative, they sent notification to the Winsted City Administrator stating they did not want to sell their land. On June 28, 2017, the Winsted City Administrator responded; "City staff will be reaching out soon to any land owners to discuss possible land acquisition in greater detail." Mrs. Otto stated that in early August, 2017, four landowners signed a statement stressing they are opposed to taking their land to upgrade the Winsted Municipal Airport. Mr. Otto distributed a copy of that statement to the City Council Members. Mrs. Otto stated that Mr. Jason Ault, ProSource Technologies left two voicemail messages for the Otto's in September, 2017. One was to return his call and the other stated that he would stop by their home on a Friday. If they wanted another appointment, they could call him. At that time, Mrs. Otto left Mr. Ault a voicemail message back stating that they would meet with all the landowners as a group, but not alone. They received no return telephone call from that message. On September 18, 2017 they received a certified letter with an opening paragraph stating, "The Winsted Municipal Airport (10D) hereby notifies you that a portion of the referenced parcel has been programmed for acquisition. ProSource Technologies, Inc. (ProSource) has been retained as the consultant to administer the duties necessary for this acquisition and relocation."

Mrs. Otto asked the City Council Members why they are receiving a letter when they and other landowners have made it very clear they do not want to sell their property.

Mrs. Otto asked the City Council Members to use all the resources possible to fight any eminent domain regarding land acquisition for the Winsted Municipal Airport. Mrs. Otto asked each of the City Council Members to answer publicly for the record.

Mayor Stotko stated that there is no intention for eminent domain; there never has been.

Council Member Schulenberg reiterated the Mayor's statement and stated that as long as he was a member of the City Council, it would not happen.

Council Member Henrich stated the same. He continued by stating that the City Council agreed that there was no way eminent domain was going to happen in regards to the Winsted Municipal Airport.

Council Member Fitzgerald asked if the letter from ProSource Technologies made the Otto's feel that eminent domain was a possibility. Mrs. Otto stated yes.

Council Member Fitzgerald stated that she thought the letter possibly was an effort to be official because the City Council is holding ProSource Technologies responsible for contacting and having discussions with the landowners. Council Member Fitzgerald stated that she has not been happy with ProSource Technologies because it has been months and a meeting did not occur. ProSource Technologies was supposed to meet with the landowners to ask them what their concerns were and they would address any concerns. At that point, if landowners stated that they were not interested in selling, ProSource Technologies was supposed to inform the City Council with the landowner's decision. Council Member Fitzgerald stated that instead, the City Council has been waiting for any kind of conversation and it has not happened. Council Member Fitzgerald stated that she believes that the intent of the letter was not to suggest the possibility of eminent domain. She continued by stating that all of the City Council Members have been very open and very on record that they would not proceed with eminent domain for land acquisition.

Council Member Ollig stated that the City Council is unanimous that it will never proceed with eminent domain for land acquisition for the Winsted Municipal Airport. Council Member Ollig stated that the City proceeded with eminent domain approximately 20 years ago and it was not a good experience.

Council Member Ollig stated that the City Council Members would have preferred to sit and talk about land acquisition with the landowners themselves; however, they were told that this type of meeting was not legal procedure. He stated that the Otto's need to understand, too, that there is another group of people that wants the airport runway paved. When the City Council voted to pave it, out of respect to that group, ProSource Technologies was hired to try to negotiate with

landowners for the sale of their property. Council Member Ollig stated that the City Council has been waiting for ProSource Technologies to report back to them, and he personally feels it is time to cut ties with ProSource Technologies and move forward.

Council Member Fitzgerald stated her frustration regarding the process that ProSource Technologies was supposed to follow that did not happen. She stated that the City needs to follow official procedures in order to receive grant money from the Federal Aviation Association (FAA) to pay for the improvement project at the Winsted Municipal Airport. The City cannot pay for the project on its own and must follow the rules.

Mrs. Otto asked if the FAA could force the City to pave the runway. Mayor Stotko stated no; it is the City's decision.

Council Member Ollig stated that if an agreement cannot be reached with every land owner, and obviously it will not be, then the only other option will be to proceed with a re-turf runway improvement project.

Council Member Ollig asked if the City Council has the option to release ProSource Technologies and move forward with the re-turf improvement project.

Mr. Tienter stated that the approved contract with ProSource Technologies was for up to \$5,000, and for a limited amount of activities, which included contacting certain property owners and then also performing some title research as a part of the airport project. They were only charged with trying to figure out if the property owners in question were interested in selling or not. They were then going to report back to the City Council. If the property owners in question did not want to sell, then the City Council would be forced to examine other options. One, as was mentioned, would be eminent domain, which the City Council has made the decision not to move forward with and the other would be to switch from the so-called Preferred Alternative in the Environmental Assessment, to the turf runway alternative. The turf runway does not require expansion of the airport so there is no need for land acquisition.

Council Member Ollig asked, given the petition received tonight, if there was any reason to move forward with ProSource Technologies.

Mr. Tienter stated that for the purposes of satisfying the FAA process, the City would ask ProSource Technologies to submit a report that outlines the discussion this evening, mainly for the purposes of memorializing the process and what has happened to date. If the FAA ever had a question of why the project was switched from the Preferred Alternative, the City would have a document to that effect.

Mr. Tienter stated that the FAA has no official position with regard to what form the Airport Improvement Project takes, provided that it is one of the projects that is included in the final Environmental Assessment. The FAA left the decision to the City Council to decide upon a paved surface or a turf surface. The FAA is 100% supportive of either project. The FAA has determined that the current runway is at the end of its useful life and some type of reconstruction has to occur. If the City Council moves forward with turf restoration, the FAA has no problem with that decision and will fund that under the same cost sharing arrangements that have been outlined in the Environmental Assessment.

Council Member Fitzgerald stated that there were many discussions and meetings which led to the City Council's vote. She listened to many opinions in favor and not in favor of paving the runway. If she had heard what she heard tonight before the vote, her vote would have been different. But there was nobody in front of the City Council saying what was just said. Council Member Fitzgerald stressed the importance of everyone's input and guidance when these issues come up because all the City Council can do is the very best it can with the research and the knowledge that it has.

Mr. Otto stated that the Environment Assessment contains addresses of people supporting the runway; however, when he spoke with some of the people regarding paving the runway and land acquisition they were in support of repairing the runway; not paving the runway or land acquisition.

Mr. Otto stated that he has no problem with maintaining, repairing or rebuilding the runway; but to acquire land and move into his back yard that close, he asked the City Council Members if they would want that. The way that the plans are to take land, the airport would be moving very close.

Council Member Ollig stated that the City Council would not proceed with eminent domain. He thanked the Ottos for attending the meeting because the City's line of communication is coming from ProSource Technologies who has not been able to do their job.

Mr. Mike Laxen, 24565 Dairy Avenue, Winsted, MN 55395 stated that he also spoke with a few business owners in Winsted whose signatures were in the Environmental Assessment. They told him they were in support of improving the airport but did not know the extent of what was going to be completed and how far the process needed to go for the improvements.

Council Member Ollig stated that he had at least three major business owners in the community express to him they would like to see the runway paved for the purpose of bringing sales representatives and other things into Winsted. He continued by stating that he was not sure if those business owners understood what the ramifications of paving were.

Mayor Stotko stated that he is currently in his eleventh year as Mayor, and over those eleven years there have been meetings with airport hangar owners regarding a runway improvement project with no conclusion, other than knowing that something needed to be done. It is very possible that some of the signatures within the Environmental Assessment were in favor of some improvements at the airport, but at the time they were signed, paving was either not brought up or still in the early stages.

Mr. Tienter stated that the Environmental Assessment is a very long document with various information in it. It is first and foremost designed to understand if some type of improvement should be done to the airport and then it identifies any number of alternatives. There were two viable alternatives, either a paved surface or a turf surface. Ultimately the EA was designed to justify either project as being a viable project for the airport. Through that process the City Council then selects one alternative that is termed the Preferred Alternative. The Preferred Alternative was the paved option based on the City Council's vote in June, 2017. Some of the documents that are included are just designed to understand that the airport needs to improve. So it is possible in the Environmental Assessment Document there are references to improving the airport itself as justification to take one or two of the projects.

Mayor Stotko asked if there were any other comments during the Open Forum.

Ms. Heidi Otto, 20243 County Road 9, Lester Prairie, MN asked how the property owners find out where the City is in the process regarding what the City Council will do regarding ProSource Technologies.

Council Member Ollig stated that a City Council Meeting Agenda is posted on the City's website before every meeting for people to view so they know the subject items of the meeting.

Mr. Tienter stated that as part of the process itself, any of the affected property owners should have received letters from the City inviting them to any meetings where any major decisions were going to be made. For the land acquisition phase of the project, it was the responsibility of ProSource Technologies to notify any affected property owners about steps in the process. Based on some of the discussion here this evening, the City Council may be making a decision sooner rather than later about the runway alternative, so the role of ProSource Technologies will become limited. Given the discussion this evening, City Staff will contact any affected property owners when ProSource Technologies gives their presentation to the City Council and the City Council may be asked to make future decisions. Council Member Ollig stated that the group of people that favors the paved runway should be contacted too. Mr. Tienter agreed.

8) City Administrator Update and Announcements

a) Winsted Holding Activities that Unite People (WHAT UP)– Halloween Bash

Mr. Tienter stated that WHAT UP will be holding their annual Halloween Bash on Saturday, October 28, 2017 at 1:00 p.m. in the Vollmer Room at City Hall. There will be free pumpkins, pumpkin decorating, hayrides, games and face painting and it is open and free to the public.

b) Leaves and Grass Clippings

Mr. Tienter stated that City ordinance prohibits the blowing of grass clippings or leaves into the streets. Mr. Tienter reminded residents to be mindful of this as they are completing yard work in order to avoid a fine.

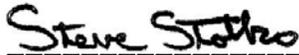
c) Advisory Commission Vacancies

Mr. Tienter stated that there are vacancies on the Economic Development Authority and the Park Commission. Interested individuals may contact City Hall for further information.

9) Adjourn

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

The meeting was adjourned at 6:44 p.m.



Steve Stotko
Mayor
City of Winsted

ATTEST:



Raquel Kirchoff, CMC
City Clerk-Treasurer
City of Winsted