

City of Winsted
City Council Work Session
Lewis Room
Tuesday, December 17, 2013
5:00 p.m.

Present: Mayor Steve Stotko
Council Member Bonnie 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

I. Call to Order

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

II. Vollmer Room Use Policy

Mr. Wilfahrt stated that at the December 3, 2013 City Council Work Session, the City Council discussed making changes to the Vollmer Room Use Policy to address legal issues with the current Policy. The City Council decided to table the discussions because Council Member Fasching was not in attendance at the December 3, 2013 Work Session. Also, as part of that discussion, the City Council directed staff to research other area communities, and obtain policies regulating the use of their community rooms.

Mr. Wilfahrt presented a synopsis of the Community Room Use Policies from the area communities he researched as it pertains to restricting users:

➤ Howard Lake, Minnesota

Mr. Wilfahrt stated that their Community Room is available to residents and organizations of Howard Lake, Minnesota. Government organizations, non-profit organizations, church groups, Senior Citizen groups, and any other group or organization approved by the City Council are exempt from paying the rental fee for non-recurring events. The Howard Lake Senior Citizen Group is exempt from paying a rental fee for use of the Community Room on Friday mornings.

➤ Delano, Minnesota

Mr. Wilfahrt stated that the City of Delano does not restrict many users from leasing their facilities. They do provide the following content-neutral provisions restricting some use:

“Lessee will not permit any activity in or on the Public Facilities which will or could lead to damage to property, personal injury, any public or private nuisance, any adult use as defined in the Delano City Use Code, Section 415.01, or any other activity or condition which violates federal, state or local law. Lessee shall not damage or destroy the Public Facilities nor allow any other person to damage or destroy the Public Facilities during the term of this Lease. Lessee recognizes that the Public Facilities are in close proximity to residential areas. Accordingly, Lessee shall not conduct or permit activity on or in the Public Facilities, which cause or might cause annoyance and disruption to residential neighborhoods.”

➤ Lester Prairie, Minnesota

Mr. Wilfahrt stated that the City of Lester Prairie does not restrict many types of users from renting their facilities. The only prohibitions made in their Policy are the following:

1. The use of offensive language or providing offensive material.
2. Possession of firearms.
3. Fighting or other physical abuse.
4. Possession or use of illegal drugs.
5. Smoking or use of smokeless tobacco.

Mr. Wilfahrt stated that he also reviewed several other communities policies, most of which did not place restrictions on users of their community room facility. Several restricted use based on provisions that are similar to the current Vollmer Room Use Policy and likely violate constitutional rights.

Mr. Wilfahrt stated that in summary, it appears that most other communities have elected to be inclusive rather than exclusive.

Mr. Wilfahrt stated that the City Council will still need to determine if it would like to move forward with a Policy that restricts users similar to the options presented and discussed at the December 3, 2013 City Council Work Session.

The City Council discussed and directed Mr. Wilfahrt to prepare a Vollmer Room Use Policy that includes the following:

- Non-profit organizations are allowed to use the Vollmer Room free of charge.
- City affiliated organizations and/or governmental agencies are allowed to use the Vollmer Room free of charge.
- Other residents and/or organizations will be allowed to rent the Vollmer Room for a fee.
- Prepare an Agreement that would be signed by all users of the Vollmer Room that includes the following:
 - They are responsible for any damage incurred while they are using the Room.
 - Would require that all users of the Vollmer Room provide the City with a "Certificate of Insurance" that lists the City of Winsted as additionally insured.
 - A checklist documenting the condition of the Vollmer Room and the public areas of City Hall before and after the Vollmer Room is rented and/or used free of charge.
 - A list of rules and regulations and if the user(s) of the Vollmer Room violate the rules and regulations, they forfeit their ability to use and/or rent the Room in the future.

III. Westside Skydivers Contract

Mr. Wilfahrt stated that over the past several months, staff negotiated with Mr. Joe Johnson of Westside Skydivers for the use of the Winsted Municipal Airport for the operation of a Skydiving business. He continued by stating that City staff and Mr. Johnson have agreed upon most terms of the Agreement for the skydiving business to continue in its current location for the year 2014.

Mr. Wilfahrt presented the proposed Agreement and highlighted the significant changes:

- ✓ The term of the Agreement is thirty (30) years. It will be reviewed after one (1) year and every five (5) years after that. The initial review will allow the City to make the Agreement subject to the new Winsted Municipal Airport Policy from the City. Mr. Johnson has indicated that the thirty (30) year term is required to obtain financing for the construction of a hangar.
- ✓ Insurance coverage has been changed to be in accordance with Minnesota State Statute requirements.
- ✓ Hours of operation for the Skydiving business are set from sunrise to sunset. There are provisions made for two (2) night jumps per year that will begin within one (1) hour of sunset for a duration of two (2) hours.

Mr. Wilfahrt stated that City staff supports the Agreement for several reasons. First, the Agreement remained very similar to past agreements. Secondly, the City has received fewer complaints regarding Westside Skydivers in the year 2013 than in the past. Also, the Business employs twenty-five (25) people and brings an estimated 20,000 visitors to the Winsted Community each year. With the revision of the Agreement at the end of the year 2014 and the ability for the City to review it after the year 2014, the City Council will be able to ensure adherence to the proposed Winsted Municipal Airport Policy; as well as, adding an extra level of security for the City in the Agreement.

Mr. Wilfahrt stated that staff plans to present a final form of the Agreement to the City Council at a January, 2014 Regular City Council meeting and asked the City Council for their direction on any requested changes.

The City Council discussed the proposed Agreement between the City of Winsted and Westside Skydivers.

Mr. Wilfahrt reminded the City Council of the concerns presented by Mr. Brian Zubert, Winsted Municipal Airport, Hangar Number Eighteen (#18), at the December 3, 2013 Regular City Council meeting in regards to Westside Skydivers. He continued by stating that the proposed Winsted Municipal Airport Policy will address Mr. Zubert's concerns.

Mayor Stotko presented a noise complaint that he received from an individual that lives near the Winsted Municipal Airport. The individual contacted Westside Skydivers and they came to an agreement.

The City Council discussed the signage requirements that Westside Skydivers will be required to adhere to.

Mr. Glenn Weibel, addressed the City Council regarding the following issues with Westside Skydivers in regards to the following:

- The use of the restrooms in the Winsted Municipal Airport's Arrival and Departure Building by customers of Westside Skydivers.
- *Certificate of Insurance* requirements for independent contractors used by Westside Skydivers.
- The contract should specifically state what type, size and/or weight of airplane is allowed to land and/or take-off from the Winsted Municipal Airport's turf runway.

Mr. Wilfahrt stated that the proposed Policy will address what type, size and/or weight of airplane is allowed to land and/or take-off from the Airport's turf runway. He continued by stating that Westside Skydivers will be required to follow the proposed Policy.

- Westside Skydivers should be required to give the City of Winsted prior notification before conducting any night jumps.
- The fees that Westside Skydivers are required to pay the City of Winsted should be evaluated and increased.
- The definition of normal wear and tear caused to the turf runway; and when Westside Skydivers should be allowed and disallowed to use the runway in accordance to its condition.

Mr. Wilfahrt stated the proposed Policy will address the aforementioned concern.

- The location of the Drop Zone site.

Mr. Weibel presented the following suggestions to the City Council in regards to the proposed Contract between the City of Winsted and Westside Skydivers:

- ✓ The City Council should not agree to the proposed Contract. In discussions Mr. Weibel has had with the Minnesota Department of Transportation/Office of Aeronautics (MN DOT/OA), they indicated that they would assist the City of Winsted to develop an *Airport Standards Policy* for the Winsted Municipal Airport. Until this Policy is established, the City Council should not agree to the Contract with Westside Skydivers.
- ✓ The City Council should establish a committee that consists of members of the City Council, the City Administrator, Winsted Municipal Airport hangar owners, and a representative from the Federal Aviation Administration (FAA) to discuss all regulations in regards to skydiving operations before approving a Contract with Westside Skydivers.

Mr. Wilfahrt stated that the City is currently working with representatives from MN DOT/OA and the FAA to establish a policy for the Winsted Municipal Airport. Westside Skydivers proposed Agreement with the City of Winsted makes them subject to the Policy once it is approved and implemented by the Winsted City Council.

Mr. Wilfahrt also stated that the Policy will be established by City ordinance so it can include fines and/or other disciplinary actions for any individuals who violate the Policy. The process to establish the ordinance will require a Public Hearing. Mr. Wilfahrt continued by stating that the Public Hearing will provide hangar owners and/or any other interested persons to comment on the Policy.

Mayor Stotko stated that the majority of issues and concerns presented by Mr. Weibel will be addressed by the proposed Policy that is being established for the Winsted Municipal Airport.

Mr. Wilfahrt stated that it would not be feasible for the City Council to wait to approve Westside Skydivers Agreement until the proposed Policy and ordinance are established because the documents and processes will take several months to develop and conduct.

IV. Sanitary Sewer Generators

Mr. Wilfahrt stated that in June of 2013, a major storm event overwhelmed several of the City of Winsted's lift stations. As a result of the storm event, the City began exploring the possibility of purchasing generators for several of the lift stations to help maintain functionality during major storms.

Mr. Wilfahrt stated that at the November 6, 2013 City Council Work Session, Staff presented bids for a generator for the Littfin Lift Station to the City Council. The City Council directed staff to postpone obtaining bids on the project until later in the winter of the year 2014. This would allow those bidding more time to complete the project and hopefully lower the cost. Also, waiting until the year 2014 to award the project will allow the City to avoid paying sales tax on the purchase which will save a significant amount of money.

Mr. Wilfahrt stated that staff would like the City Council to direct the City Engineer to seek new bids for the Littfin Lift Station generator with the same specifications as previously discussed. The target completion for the project will be the spring of the year 2014.

The City Council discussed and agreed that the City of Winsted's Engineer, Mr. Jake Saulsbury, should seek bids for the Littfin Lift Station generator with a target completion of the project in the spring of the year 2014.

V. Other

a) Year 2014 City Council Liaisons

Mr. Wilfahrt presented a copy of the year 2013 City Council Liaison appointments and asked the City Council members if they would like to continue serving in the year 2014 as the Liaison for the same Commissions and/or Boards.

The City Council discussed and Council Member Fasching agreed to serve as the City Council Liaison for the Winsted Municipal Airport Commission and the remaining City Council members agreed to serve as the Liaisons for the Commission and/or Boards that they currently are on for the year 2014.

b) McLeod County – Single Sort Recycling Meeting

Mayor Stotko gave a brief overview of the McLeod County meeting he attended in regards to the Single Sort Recycling Feasibility Study that was conducted in McLeod County.

c) Winsted Public Library

Council Member Schulenberg stated that the Winsted Public Library was able to obtain free library shelving and furniture from a Minneapolis, Minnesota Public Library that was closing. Individuals from the Winsted Community and K-Way Trucking Company worked with the Library to pick-up the shelving and furniture and deliver it to Winsted. He continued by stating that the shelving and equipment are in good condition.

d) City of Winsted – Food Shelf

Council Member Schulenberg stated that he has met with two (2) Winsted church Pastors to consider opening a Food Shelf in the City of Winsted.

VI. Adjourn

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

The meeting was adjourned at 5:52 p.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Deborah R. Boelter

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