

City of Winsted
City Council Meeting
Council Chambers
October 4, 2011
6:00 p.m.

Present: Mayor Steve Stotko
Council Member Tom Ollig
Council Member Bonnie Quast
Council Member Dave Mochinski
Council Member George Schulenberg

Staff Present: Brad Martens, City Administrator
Deborah R. Boelter, City Clerk-Treasurer

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

a) The Pledge of Allegiance was taken and lead by *Miss Poppy*, Mia Flom, from Howard Lake, Minnesota.

2) Consent Agenda

Council Member Quast motioned to adopt the Consent Agenda as presented. Council Member Schulenberg seconded. Motion carried 5-0.

a) Minutes – City Council Regular Meeting – September 20, 2011

Accepted the minutes of the City Council Regular Meeting of September 20, 2011.

b) Resolution R-11-24 - Appointing Raquel Kirchoff as Temporary Deputy City Clerk-Treasurer

Adopted Resolution R-11-24 appointing Raquel Kirchoff as temporary Deputy City Clerk-Treasurer during the period of Friday, October 14, 2011 through Friday, November 4, 2011 for the City of Winsted.

c) Resolution R-11-25 Agreement for Airport Improvement Excluding Land Acquisition

Adopted Resolution R-11-25 authorizing the City of Winsted to enter into a grant agreement for the financial assistance of the State of Minnesota for improvement excluding land acquisition of the Winsted Municipal Airport.

d) Years 2012 and 2013 Lawn Service Contract

Approved a Lawn Services Agreement with Mathew's Lawn Service in the amount of \$17,999 per year for 2012 and 2013.

e) Flagship Bank of Winsted – Pledged Securities

Approve the Pledged Securities that Flagship Bank of Winsted has purchased for the City of Winsted for the month of September, 2011.

f) Claims

Approved the Claims List for October 4, 2011.

3) No Public Hearings.

4) Old Business

a) Resolution R-11-26 – City Hall Slope Stabilization Project

Martens stated that on July 10, 2011, two (2) washouts occurred on the shoreline of Winsted Lake just east of City Hall due to a large rain event. The City Council discussed possible remedies to the washouts at their August 16, 2011 and September 6, 2011 City Council meetings.

At the September 6, 2011 City Council meeting, Bolton and Menk, Incorporated was directed to seek bids for the repair of the washouts that included slope restoration, sub-surface drainage mitigation and a below ground connection for the north storm sewer. The estimated cost at the time of this meeting for the repairs was \$57,000; however, a new estimate of \$46,635 was issued after reviewing the proposed project.

Martens stated that Bolton and Menk, Incorporated solicited quotes from five (5) contractors and received two (2) returned with the low quote coming from Juul Contracting Company in the amount of \$49,114.86, which was five percent (5%) higher than the engineer's estimate.

CONTRACTOR	TOTAL BID AMOUNT
Juul Contracting, Company	\$49,114.86
Widmer Construction, Limited Liability Company	\$110,981.50
Henning Excavating	Did Not Submit A Bid
Litzau Excavating	Did Not Submit A Bid
Machtemes Construction	Did Not Submit A Bid

Martens stated that Bolton and Menk, Incorporated recommends that the City of Winsted awards a contract in the amount of \$49,114.86 to Juul Contracting Company.

Martens also stated that City staff is concerned about the delicate nature of the project due to the proximity to City Hall. He recommended that if the City Council approves the quote, it does so only if the contractor agrees to leave the work area in the same condition as it was found.

Martens stated that funding for the repair could come from the City's General Fund reserves or the Facilities Fund balance from building City Hall. The balance of the City's General Fund reserves as of December 31, 2010 is \$814,155; which would be 7.2 months of operating based on the 2011 budget. Martens stated that he is projecting a \$112,000 increase to reserves for the year 2011; so, \$814,155 plus \$112,000 totals \$926,155; which would be 8.1 months of operating based on the 2011 budget and 7.3 months of operating based on the preliminary 2012 budget. He stated that the City's auditors recommend having at least six (6) months on hand; which would be \$756,126 based on the preliminary 2012 budget.

Martens stated that the current balance of the Facilities Fund is \$89,050.54.

Bolton and Menk, Incorporated has requested funding from Crow River Organization of Water (CROW) Watershed in an effort to help finance the project. The CROW Technical Committee will be meeting on Thursday, October 6, 2011 in Litchfield, Minnesota to review the request.

Council Member Mochinski asked what time of year the project will be done and how does Juul Contracting Company plan on doing it. Martens stated that it will be done as soon as possible and it will be done from the Lakefront Promenade. Martens stated that the contractor will cover the concrete surfaces with clay to minimize damage from their equipment.

Council Member Mochinski asked if Juul Contracting Company will repair the surface areas of the Lakefront Promenade that they may damage. Martens stated that he will make sure the contract states that they have to repair any surface areas that they may damage with their equipment while completing the slope stabilization.

Council Member Mochinski asked if the project is going to interfere with any organizations and/or groups that may be using the Vollmer Room or the Lakefront Promenade for a special event or activity. Martens stated that the project will be coordinated with the contractor so that it is not interfering with any events or activities being held in the Vollmer Room or in the Lakefront Promenade area.

Council Member Ollig recommended that the City's staff take a video of all surface areas in the Lakefront Promenade area before the contractor begins so there is documentation of how the surfaces looked before they begin construction.

Council Member Mochinski motioned to adopt Resolution R-11-26 awarding the bid for the City Hall Slope Stabilization Project to Juul Contracting Company in the amount not to exceed \$49,114.86 and restoring the Lakefront Promenade surface areas to its original condition if damaged during the project. Council Member Ollig seconded. Motion carried 5-0.

b) Resolution R-11-27 – Drainage Issues – 141 Fairlawn Avenue East

Martens stated that at the May 17, 2011 City Council meeting, Collin Botner, 141 Fairlawn Avenue East, addressed the City Council in regards to drainage issues taking place at his property and at the intersection of Fairlawn Avenue East and Fairlawn Circle. Mr. Botner referenced the delayed Fairlawn Circle Pavement Project in which the drainage issues were to be addressed and that he would like the City Council to at least consider fixing the drainage issues in the area. The City Engineer was directed to work towards installing additional catch basins and to do an onsite inspection of the property to see if it is possible to assist Mr. Botner with the flooding problems.

At the September 6, 2011 City Council meeting, Bolton and Menk, Incorporated was directed to seek bids to mitigate drainage issues of which the Engineer's estimate was \$40,600. Bolton and Menk, Incorporated solicited quotes from five (5) contractors and received three (3) returned with the low quote coming from Juul Contracting Company in the amount of \$57,636.40; of which approximately \$3,200 is for the private driveway reconstruction and may be reimbursable from Mr. Botner.

CONTRACTOR	TOTAL BID AMOUNT
Juul Contracting Company	\$57,636.40
Machtemes Construction	\$61,772.00
Widmer Construction, Limited Liability Company	\$92,810.20
Henning Excavating	Did Not Submit A Bid
Litzau Excavating	Did Not Submit A Bid

Martens stated that Bolton and Menk, Incorporated recommends that the City of Winsted awards a contract in the amount of \$57,636.40 to Juul Contracting Company.

Council Member Quast asked if Mr. Botner is aware that he may have to pay \$3,200 for the reconstruction of his driveway. Martens stated that Mr. Botner does know that he will have to pay the City of Winsted \$3,200 for the reconstruction of his driveway. Mr. Botner has asked to make the payments in installments.

Council Member Ollig stated that the drainage in the aforementioned area has been an ongoing problem and needs to be addressed.

Martens stated that the City's engineer, Jake Saulsbury, is talking to Juul Contracting Company to determine if the City could receive a discount if they complete the Fairlawn Avenue drainage project and the slope stabilization project consecutively because there would be a savings for the contractor in mobilization costs.

Council Member Quast asked how the project would be funded. Martens stated that it can be funded by the City's General Fund reserves.

Council Member Mochinski recommended that the slope stabilization project be funded by the Facilities Fund and the Fairlawn Avenue drainage project be funded by the General Fund reserves. The Council discussed and agreed.

Council Member Ollig motioned to adopt Resolution R-11-27 awarding the bid for the Fairlawn Avenue drainage issues to Juul Contracting Company in the amount not to exceed of \$57,636.40 and that \$3,200 be assessed to the property owner in a payment manner determined by the City Administrator. Council Member Quast seconded. Motion carried 5-0.

5) New Business

a) **Resolution R-11-28– Commitment to Closing the Gap of the Luce Line State Trail in the City of Winsted.**

Martens stated that in 2006, 2009 and on July 5, 2011, the Winsted City Council adopted a resolution of support to pave the Luce Line State Trail from Winsted, Minnesota to Hutchinson, Minnesota and continued to Cedar Mills, Minnesota through the use of Minnesota State Bond proceeds. In recent discussions with Senator Newman, it was asked if the City of Winsted was committed to closing the gap in the Luce Line State Trail in Winsted.

Currently, the Minnesota Department of Natural Resources (MN DNR) owns the property west of County Road One (1) and has stated that they are committed to closing the gap in Winsted. Additionally, the City of Winsted has previously stated that the City is also committed to closing the gap in Winsted. Martens stated that Resolution R-11-28 presented to the City Council for their consideration would formally show the City's commitment to closing the gap of the Luce Line State Trail.

Martens stated that the Minnesota DNR; City of Hutchinson, Minnesota; McLeod County, Minnesota and the City of Winsted are proposing that the Minnesota State Legislature include funding in the 2012 State Bonding Bill in the amount of \$2.5 million to pave the Luce Line State Trail.

Martens stated that the City of Winsted may incur some costs associated with the trail; however, it is yet to be resolved how much may be required.

Martens presented some possible connection areas of the Luce Line State Trail through the City of Winsted.

Martens presented some amended language in Resolution R-11-28.

Council Member Quast motioned to adopt Resolution R-11-28 as amended showing the City of Winsted's commitment to work with the Minnesota Department of Natural Resources to close the gap of the Luce Line State Trail in Winsted when the State of Minnesota approves funding to pave the trail. Council Member Schulenberg seconded. Motion carried 5-0.

b) **Luce Line State Trail Promotional Materials**

Martens stated that in 2006 and 2009, the Winsted City Council adopted a resolution of support to pave the Luce Line State Trail from Winsted, Minnesota to Hutchinson, Minnesota and continued to Cedar Mills, Minnesota through the use of Minnesota State

Bond proceeds. The project had previously gained momentum in the area, but ultimately failed to be included in the State Bonding Bill.

Recently, Mayor Steve Cook of Hutchinson, Minnesota resurrected support for the paving project by coordinating meetings with the City of Winsted; the City of Silver Lake, Minnesota; McLeod County, Minnesota and the Minnesota Department of Natural Resources (DNR) to discuss financing for the project through Minnesota State Bond proceeds. Due to the amount of requests that the Minnesota State Legislature receives for bonding projects, it is important to show the unique benefits that the Luce Line State Trail project can bring to the State of Minnesota. In order to do this, multimedia promotional items have been created for presentation purposes.

Martens stated that Chris Schultz of the Herald Journal has been responsible for the creation of the promotional materials at the request of the City of Hutchinson and McLeod County. The total cost of the materials is around \$1,100 of which the City of Winsted has been asked to contribute \$350. The request was heard at the September 13, 2011 Park Commission Meeting. The Park Commission unanimously recommended that the City of Winsted commit the \$350 toward the cost of the materials.

The paving and completion of the Luce Line State Trail would allow for multiple uses including hiking, biking, rollerblading, horseback riding, cross country skiing and snowmobiling as well as promote regional and local recreation and economic opportunities for Winsted citizens and businesses.

Martens stated that the requested amount of \$350 to fund the Luce Line State Trail promotional materials would come out of the Publications Fund: E 101-41000-340. He continued by stating that the materials are not date sensitive so they can be used again in the future should the bonding bill not go through.

Council Member Ollig motioned to approve funding toward the promotion of paving the Luce Line State Trail in the amount of \$350. Council Member Quast seconded. Motion carried 5-0.

Council Member Ollig asked if the promotional materials can be linked to City's website. Martens stated yes.

c) Resolution R-11-29 – Minnesota Bureau of Criminal Apprehension Joint Powers Agreement

Martens stated that the Minnesota Bureau of Criminal Apprehension (BCA) is requiring that all law enforcement agencies have in place a separate Joint Powers Agreement with the BCA. The Joint Powers Agreement is to allow the Winsted Police Department to have continued access to the State of Minnesota's information which includes the State-Wide Supervision Program, Predatory Offender Listing and more. The Joint Powers Agreement must be approved by the City Council through a resolution.

Martens stated that there will be no charges assessed to the City of Winsted as a condition of this agreement.

Council Member Quast motioned to adopt Resolution R-11-29 approving State of Minnesota Joint Powers Agreements with the City of Winsted on behalf of its City Attorney and Police Department. Council Member Mochinski seconded. Motion carried 5-0.

d) Resolution R-11-30 – Excessive Force Policy Required by the Federal Government

Martens stated that the Minnesota Department of Employment and Economic Development (DEED) identified a deficiency in review of the City of Winsted's Small Cities Development Program Grant. DEED requires the City to adopt an Excessive Force Policy. The City of Winsted's Police Department Policy and Procedure Manual

does cover this information under Professional Conduct and Use of Force; however, the adoption of this Policy is still required.

Council Member Mochinski motioned to adopt Resolution R-11-30 adopting Excessive Force Policies required by the Federal Government for recipients of Community Development Block Grants. Council Member Ollig seconded. Motion carried 5-0.

e) Resolution R-11-31– Program Income Policy

Martens stated that the Minnesota Department of Employment and Economic Development (DEED) identified a deficiency in review of the City of Winsted's Small Cities Development Program Grant. DEED requires the City to adopt a Program Income Policy.

Council Member Schulenberg motioned to adopt Resolution R-11-31 adopting a Program Income Policy for the Small Cities Development Program Grant. Council Member Quast seconded. Motion carried 5-0.

6) Department Report

a) City Clerk-Treasurer – Deborah Boelter

Boelter reported on the following:

- The transition to the new City Administrator, Brad Martens has gone very smoothly and efficiently for me; Administrative Assistant, Raquel Kirchoff and Utility and Billing Clerk, Amanda Zeidler.
- Inspections of properties in Winsted for blighting conditions has been ongoing over the summer, 2011 months. Due to the cold and dry weather conditions, the properties that have repeatedly had issues with tall grass and weeds have decreased.
- Currently, staff is preparing a resolution for approval that assesses the costs for the blighting properties that the City has had to rectify to that property's taxes.
- On Wednesday, September 28, 2011, myself, Kirchoff, Public Works Maintenance Lead, Dave Meyer, and Public Works employee, John Schlechter had to testify at a jury trial for 2010 blight issues that were not rectified at the property located at 163 Main Avenue West. The defendant was found guilty and court ordered to serve ninety (90) days in the McLeod County jail starting on October 3, 2011 at 9:00 a.m. He is also required to pay a \$75.00 surcharge.
- Our department did not see any problems and/or issues during the State of Minnesota shutdown.
- Kirchoff and I planned and attended a Minnesota Clerks and Finance Officers Association (MCFOA) training session for Region V on June 23, 2011 in New Ulm, Minnesota. The session was on *Maximizing Personal and Professional Power*.
- Kirchoff completed her third (3rd) and final year at the Minnesota Municipal Clerks Institute (MMCI) in July, 2011. She will receive her certification at the MCFOA Annual Conference in March, 2012.
- Zeidler will attend year one (1) of the MMCI in 2012. She will apply for a scholarship to cover the cost of registration for the class.
- Zeidler and I presented a three (3) hour class on *Minute Taking and Parliamentary Procedure to Year One (1)* at the 2011 MMCI.
- Work on the 2012 budgets has been ongoing.
- I attended and took minutes for the Wednesday, August 31, 2011 Winsted Volunteer Fire Department's Annual Fire Board meeting.
- Kirchoff and I continue to work with Dale Maus and the Winsted Summer Festival to maintain their accounts receivable, payable and financial reports.
- Zeidler continues to work with the "Winsted Holding Activities That Unite Families" (WHAT UP) group to prepare information that advertises their events and activities. Zeidler and I maintain their accounts receivable and payable.

- The City's cell phone contract with T-Mobile was due for upgrades. Zeidler was given the assignment to research cell phone plans and provide employees with the information needed to upgrade their cell phones. She did an outstanding job and all the employees have received their new cell phones.
- Kirchoff planned a MCFOA Region V training in Hutchinson, Minnesota on Tuesday, September 27, 2011 that addressed *Sales and Use Tax*. Sixty (60) people from across the State of Minnesota attended the training.
- Zeidler started *McLeod For Tomorrow's Leadership Training* last Thursday, September 29, 2011. She received a \$50 scholarship that helped cover the cost of registration.
- Staff is currently looking into a different credit card processing company for payments to the City of Winsted. The company may have lower processing fees.
- Utility Billing has had a lot of transition to new renters and homeowners in the City of Winsted in the past few months.
- The number of postings for past due accounts has decreased.
- Zeidler worked with representatives from Minnesota State Representative Shimanski's and Senator Newman's offices to schedule and plan for a Town Hall meeting in the Council Chambers at Winsted City Hall on Thursday, November 3, 2011 from 5:00 p.m. to 7:00 p.m.
- Staff has been working with Mediacom to get the word out to residents that Winsted's Local Access Channel is changing from channel ten (10) to channel eight (8) around October 17, 2011. There has been information on the Local Access Channel and in the utility bills.

7) **No Open Forum.**

8) **No Announcements.**

9) **Adjournment**

Council Member Quast motioned to adjourn. Council Member Schulenberg seconded. Motion carried 5-0.

The meeting was adjourned at 6:40 p.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Deborah R. Boelter

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