

City of Winsted
City Council Meeting
Council Chambers
July 21, 2009
6:00 p.m.

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

Staff Present: Brent Mareck, City Administrator
Deb Boelter, City Clerk-Treasurer
Mike Henrich, Police Chief
Mike Mensen, Police Officer
Fran Eggert, City Attorney

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 removed item h) 3.2% Liquor License – Winsted American Legion Post #407

Approve a 3.2% Liquor License for the Winsted American Legion Post #407 at Hainlin Park on Saturday, August 8, 2009 and Sunday, August 9, 2009 for the Winsted Summer Festival.

The Liquor License for the Winsted American Legion Post #407 was approved at the July 7, 2009 Regular City Council meeting.

Mareck added one (1) item to the Consent Agenda:

1. Schedule a Public Hearing for Tuesday, August 18, 2009 at 6:00 p.m. to consider an ordinance regulating background checks required by certain ordinances within the Municipal Code.

**Ollig motioned to adopt the Consent Agenda as presented. Wiemiller seconded.
Motion carried 5-0.**

a) Minutes - City Council – Work Session – July 7, 2009

Accepted the minutes of the City Council Work Session of July 7, 2009.

b) Minutes – Regular City Council Meeting – July 7, 2009

Accepted the minutes of the Regular City Council Meeting of July 7, 2009.

c) Minutes – City Council – City Administrator Performance Review

Accepted the minutes of the July 7, 2009 Special Closed Meeting to conduct the City Administrator's 2009 Annual Performance Review.

d) Salary Step Increase – Mike Mensen

Authorized a salary step increase for Mike Mensen, effective May 20, 2009.

e) Salary Step Increase – Deb Boelter

Authorized a salary step increase for Deb Boelter.

f) Seasonal Part-Time Position – Public Works

Appointed Matt Williams as a seasonal part-time employee at a rate of \$10 per hour.

g) Resolution R-09-12 – Donation to Winsted Volunteer Fire Department

Adopted Resolution R-09-12 accepting a \$500 donation from Winstock Festival/Holy Trinity for the Winsted Volunteer Fire Department's Expansion Fund.

h) 3.2% Liquor License – Winsted American Legion Post #407 - REMOVED

Approve a 3.2% Liquor License for the Winsted American Legion Post #407 at Hainlin Park on Saturday, August 8, 2009 and Sunday, August 9, 2009 for the Winsted Summer Festival.

i) Parade Permit – Winsted Summer Festival

Approved a Children's Parade sponsored by the Winsted Summer Festival near Hainlin Park on McLeod Avenue on Saturday, August 8, 2009.

j) Parade Permit – Winsted Summer Festival

Approved a Parade sponsored by the Winsted Summer Festival on designated streets in the City of Winsted on Sunday, August 9, 2009.

k) Horse Permit – Winsted Summer Festival

Approved the use of horses in the August 9, 2009 Parade sponsored by the Winsted Summer Festival.

l) All-Terrain Vehicle Permit – Winsted Summer Festival

Approved a permit to operate All-Terrain Vehicles on City streets and property on Friday, August 7, 2009; Saturday, August 8, 2009; and Sunday, August 9, 2009 in conjunction with the Winsted Summer Festival.

m) Mini Train Rides Permit – Winsted Summer Festival

Approved a permit to operate mini train rides on City streets and property on Saturday, August 8, 2009; and Sunday, August 9, 2009 in conjunction with the Winsted Summer Festival.

n) Outdoor Music Permit – Winsted Summer Festival

Approved a permit allowing outdoor music on City streets and property on Friday, August 7, 2009; Saturday, August 8, 2009; and Sunday, August 9, 2009 in conjunction with the Winsted Summer Festival.

o) Outside Food Stands Permit – Winsted Summer Festival

Approved a permit to allow outside food stands to operate on City streets and property on Friday, August 7, 2009; Saturday, August 8, 2009; and Sunday, August 9, 2009 in conjunction with the Winsted Summer Festival.

p) Elevator Inspection – Schindler Elevator

Entered into an agreement with Schindler Elevator to perform inspection and maintenance.

q) June, 2009 Financial Report

Approved the June, 2009 Financial Report as presented.

r) June, 2009 Building Permit Report

Approved the June, 2009 Building Permit Report as presented.

s) Claims

Approved the Claims List for July 21, 2009 in the amount of \$228,006.45, check numbers 800E-805E, 7873-7882, 500337E and 15548-15599.

t) Public Hearing – Background Checks

Scheduled a Public Hearing for Tuesday, August 18, 2009 at 6:00 p.m. to consider an ordinance regulating background checks required by certain ordinances within the Municipal Code.

Certificate of Appreciation

Mayor Stotko presented Boelter with a Certificate of Appreciation for her five years of service to the City of Winsted.

3) No Public Hearings.

4) No Old Business.

5) New Business

a) Lease Lakefront Promenade (Street Dance) – Keg’s Bar and Papa Tom’s Bar and Grill

Mareck presented a proposal from Keg’s Bar (in coordination with Papa Tom’s Bar and Grill) to hold a Street Dance on the south end of the Lakefront Promenade on Friday, August 7, 2009, in conjunction with the Winsted Summer Festival. The Street Dance would begin after the “Brat Buster” festivities in Mill Reserve Park, with the music ending at 12:30 a.m. To stay in compliance with liquor licensing requirements, alcohol for the event would be served on the licensed properties; however, the consumption and band set-up would be placed on the leased area of the Lakefront Promenade.

The applicants have discussed security for the event with Chief Henrich, who is recommending that four (4) Sheriff’s Posse members staff security for an estimated cost of \$350. In addition, the dance area would be fenced and patrons of the event banded to eliminate underage consumption of alcohol.

Mareck stated that the agreement would call for the property to be leased for \$1, with a \$500 damage and clean-up deposit (cash or credit card), with a \$350 fee paid to the Sheriff’s Department for security.

Mareck presented the following recommendations:

1. Lease area as specified in “Exhibit A” for \$1.
2. Lease will run from 8:00 a.m. on Friday, August 7, 2009 to 3:00 p.m. on Saturday, August 8, 2009.
3. \$500 damage and clean-up deposit. Deductions will occur for any street sweeping and/or debris clean-up after the event (cans, glasses, garbage, cigarettes, etcetera). Clean-up will be charged at a rate of \$30 per hour (charged in one hour increments), with any additional damages charged to the lessee at a cost for replacement (trees, shrubs, pavement damage, etcetera). Lessee is liable for any costs incurred by the City of Winsted over and above the \$500 damage deposit.
4. Lessee must provide and pay for security as recommended by the Winsted Police Chief.
5. Lessee shall obtain and provide the City of Winsted a Certificate of Insurance for liability insurance covering the event.

6. Lessee shall hold harmless and indemnify the City of Winsted from any claims arising from the event or patrons attending the event.
7. Lessee shall provide trash receptacles for the event.
8. Lessee shall not place anything on the concrete promenade circle or other concrete surfaces, other than tables and chairs. Trailers, vehicles, vending stations and other similar heavy equipment are not allowed on concrete surfaces.
9. Alcohol must be sold on the property of the license holder.
10. Music must end at 12:30 a.m.
11. Event must be cleared of patrons by 1:00 a.m.
12. Provide fencing as noted in "Exhibit A."
13. Obtain a dance permit from the City of Winsted.

Brian Langenfeld, Keg's Bar, addressed the City Council.

Mochinski asked Langenfeld if he had seen the recommendations and if he was in agreement with them. Langenfeld stated that the additional liability insurance for the event is going to be an extra expense that he and Tom Sudheimer, Papa Tom's Bar and Grill, were not planning on. Langenfeld stated that he and Sudheimer also did not agree with Chief Henrich's recommendation of four (4) security officers. Langenfeld asked if the City would assist with some of the costs for the additional liability insurance and security.

Wiemiller stated that he believes the Street Dance is a good idea to keep people in the downtown area after the "Brat Buster" festivities.

Mochinski asked if there would be beer tents. Langenfeld stated that there would be one (1) beer wagon. Mochinski asked how they were going to monitor minors so they are not drinking. Lengenfeld stated that there will be fencing with limited entrances. There will be security at the entrances checking the identification of each patron.

Mochinski asked Henrich if he approves of the proposed security measures. Henrich stated that there will be minors in the fenced area but they will not be given a wristband to wear so security will have to watch to make sure they are not drinking.

Langenfeld stated that bartenders will also be watching to make sure that only patrons with wristbands are drinking.

Quast asked Langenfeld what type of cost sharing he wanted from the City. Mochinski asked Langenfeld if there was a specific amount that the he would like the City to cover. Langenfeld asked the City Council to consider paying the \$230 for the cost of the security.

Henrich asked the City Council to consider that the City does charge the Blue Note for security when they have dances.

Ollig stated that he would like to see the Street Dance happen but the Winsted Summer Festival is a City, Chamber and Community event and Keg's Bar and Papa Tom's Bar and Grill are private businesses asking for public assistance. Ollig stated these are two (2) separate things; the Winsted Summer Festival is a public event and the Street Dance is sponsored by Keg's Bar and Papa Tom's Bar and Grill and is a private event.

Mochinski asked Henrich if it was really necessary to have (4) security officers when the area is going to be fenced. Henrich stated that if something serious happens, like a fight, and two (2) of the security officers are dealing with the patrons who are fighting there would not be enough officers to cover the ongoing event.

Wiemiller stated he understands why Langenfeld is asking the City for help with the security expenses but he does not want to set precedence where the City is financially assisting private businesses.

Ollig stated that if the Street Dance was a sanctioned event where some of the profits were going to the Winsted Summer Festival, he would consider Langenfeld's request for financial assistance from the City; but, the profits are going to private businesses.

Eggert asked Henrich what the Blue Note pays for security at the dances they sponsor. Henrich stated that they pay \$125 per officer per dance. A wedding dance typically has one (1) officer and a larger dance requires four (4) officers.

Henrich proposed that the City pay for two (2) Police Officers to patrol in Mill Reserve Park, the downtown area, and spend the majority of their time in the Street Dance area.

Quast asked Langenfeld if it would help if the City would pay for half (1/2) of the security costs.

Mareck asked Eggert if it was necessary for Keg's Bar and Papa Tom's Bar and Grill to purchase the additional liability insurance. Eggert recommended that they have the additional liability insurance since the event is being held on the City's property.

Quast stated that she would be willing to have the City pay for half (1/2) of the security costs.

Wiemiller stated that he would also be willing to have the City pay for (1/2) of the security costs.

Henrich asked the City Council to please consider their decision on this issue so they are not setting precedence for other establishments in the City who may want to sponsor a private dance.

Ollig asked Langenfeld if he had asked any Winsted businesses if they want to help sponsor the Street Dance and in return they would have free advertising at the event. Langenfeld stated that it is something to consider.

Mareck stated that the City Council could vote to enter into a lease agreement with Keg's Bar and Papa Tom's Bar and Grill with the recommendations as presented, changing the security according to Henrich's proposal to have two (2) Police Officers patrol in Mill Reserve Park, the downtown area and the majority of the time in the area of the Street Dance.

Mareck asked Langenfeld to contact Eggert if he and Sudheimer decide to definitely have the Street Dance so that he can prepare the lease agreement.

Mochinski motioned to enter into a lease agreement with Keg's Bar and Papa Tom's Bar and Grill for the Lakefront Promenade with the conditions as recommended. Quast seconded. Motion carried 5-0.

b) Future Land Use Plan – Municipal Development Group

Mareck stated that the City Council initiated a process to update the City's Future Land Use Plan in January, 2009. The process included input from citizens, property owners and representatives from Winsted Township and McLeod County.

The Future Land Use Plan serves as a tool to guide the land use for future development in the City. The plan should not be considered a "growth plan" for the community and is not intended to be pro-development or annexation.

The Planning Commission held a public hearing on July 8, 2009 and unanimously adopted Resolution 09-01 recommending approval of the Future Land Use Plan.

The Chairman of the Winsted Township Board, Tony Hausladen, provided testimony at the Public Hearing. Chairman Hausladen stated that the Winsted Township Board will not support the update for two (2) primary reasons:

1. The plan encompasses too large of a land area.
2. The properties known as the "Lueck and Weibel Farms" should be guided to Industrial as opposed to a future residential use.

Mareck introduced Cynthia Smith-Strack, Municipal Development Group, Incorporated. Strack presented the 2009 Land Use Plan Update.

Quast motioned to approve Resolution R-09-13 adopting the update to the City of Winsted Future Land Use Plan. Mochinski seconded. Motion carried 5-0.

6) Department Report

a) People Service, Incorporated

Dan Wroge, People Service, Incorporated, reported on the following:

- Met with representatives from the Minnesota Pollution Control Agency (MPCA) regarding the City of Winsted's Waste Water Treatment Plant (WWTP) permit renewal. There will be several changes and the City will need to plan for these changes in the future.
- People Service, Incorporated contract renewal.
- Sludge Pond abandonment.

Mochinski stated that he would like the Public Works Department to push the sludge to the edges of the Sludge Pond with their Pay Loader to reduce spending.

Mareck asked Wroge if the Public Works Department could wait until September, 2009 to push the sludge. He stated that they are busy with several other projects.

Wroge stated that it depends on the weather. Wroge also stated that now would be a good time because it has been dry.

Wroge recommended that Robinson use the Pay Loader and start moving some of the sludge now since each pond is approximately four (4) acres.

Mareck asked Wroge if he would recommend using a Pay Loader or a Bull Dozer to push the sludge. Wroge recommended a Bull Dozer. He stated that Litzau Excavating estimated that it would take them an estimated fifteen (15) to twenty (20) hours to move the sludge with a Bull Dozer. The cost would be approximately \$2,400.

Wroge stated he would work with the Public Works Department to push the sludge. Mayor Stotko directed Wroge to talk to the Public Works Department about using their Pay Loader to move the sludge to the edges of the ponds.

- Wroge stated that he has land available in fall, 2009 to haul the sludge from the sludge storage tanks. It would cost two (2) cents per gallon and it would be approximately 200,000 gallons. The total expense would be estimated at \$4,000. Mareck asked Wroge to prepare a quote for future consideration at a City Council meeting.

7) No Open Forum.

8) No Announcements.

9) Adjournment

Quast motioned to adjourn. Wiemiller seconded. Motion carried 5-0.

Respectfully submitted,

Deborah R. Boelter
City Clerk-Treasurer