

City of Winsted
City Council Meeting
Council Chambers
Tuesday, August 16, 2022
6:00 p.m.

Present: Mayor George Schulenberg
Council Member Tom Ollig
Council Member Bonnie Quast
Council Member Mike Henrich
Council Member Steve Stotko

Staff Present: Mr. Adam Birkholz, City Administrator
Ms. Raquel Kirchoff, City Clerk-Treasurer
Mr. Justin Heldt, Police Chief

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

a) The Pledge of Allegiance was recited.

b) The City Council Members recognized Mr. Justin Heldt, Police Chief, for fifteen (15) years of service.

2) Consent Agenda

a) Approval of Minutes

Approved the minutes of the following meetings.

- City Council Work Session – July 19, 2022
- City Council Regular Meeting – July 19, 2022
- Park Commission Meeting – July 11, 2022
- Planning Commission Meeting – June 13, 2022

b) Safety Program Service Agreement – SafeAssure Consultants, Incorporated

Authorized the Mayor and City Clerk-Treasurer to execute an agreement with SafeAssure Consultants, Incorporated, to provide a safety program for the City of Winsted in the amount of \$3,396.51.

c) Resolution R-22-25 – 2022 Winsted Night Out Donation

Adopted Resolution R-22-25 to accept donations from various donors to be dedicated toward the 2022 Winsted Night Out event.

d) Resolution R-22-26 – Fireworks Display Donations

Adopted Resolution R-22-26 accepting donations in the amount of \$13,000.00 to be dedicated toward the cost of the fireworks display on Friday, August 12, 2022 in conjunction with the Winsted Summer Festival.

e) Resolution R-22-27 – Winsted Police Department Donation

Adopted Resolution R-22-27, accepting a donation from Ameriprise Financial, on behalf of Evonne Kremer, to be dedicated to the Winsted Police Department fund.

f) Resolution R-22-28 – Winsted Volunteer Fire Department donation

Adopted Resolution R-22-28, accepting a donation from Ameriprise Financial, on behalf of Evonne Kremer, to be dedicated to the Winsted Volunteer Fire Department fund.

g) Conditional Offer of Employment – Part-Time Police Officer

Approved a conditional offer of employment and authorized the City Administrator to execute an employment agreement with Mr. Micah Moyer for the position of Part-Time Police Officer with the

Winsted Police Department, contingent upon passing a criminal background check, psychological examination and a drug and alcohol test.

h) Resignation – Winsted Volunteer Fire Department

Accepted the voluntary resignation of Mr. Jason TianYi Zhang from the Winsted Volunteer Fire Department, effective August 1, 2022.

i) Resignation – Winsted Administration Department

Accepted the voluntary resignation of Mr. Anthony Hammes as Assistant to the City Administrator, effective August 25, 2022.

j) Security Bank & Trust Company – Pledged Securities

Approved the Pledged Securities that Security Bank & Trust Company has purchased for the City of Winsted for the month of July, 2022.

k) Building Permit Report – July, 2022

Approved the Building Permit Report for the month of July, 2022.

l) Financial Report – June, 2022

Approved the financial report for the month of June, 2022.

m) Claims

Approved the claims list for August 16, 2022.

n) Fireworks Display Contract Amendment – Minnesota Pyrotechnics, LLC

Authorized the City Administrator to execute a Fireworks Display Contract Amendment to engage additional services of Minnesota Pyrotechnics, LLC to perform a firework display in conjunction with the Winsted Summer Festival, for a total amount not to exceed \$13,000.00.

Council Member Ollig motioned to adopt the Consent Agenda. Council Member Stotko seconded the motion. Council Member Ollig abstained from voting on item “j) Security Bank & Trust Company – Pledged Securities”. Motion carried 5-0.

3) No Public Hearings

a) Ordinance O-22-05 – Chapter 12 – Text Amendment

Mr. Adam Birkholz, City Administrator, stated that a new law was enacted at the end of the 2022 legislative session that allows certain edible and beverage products infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp, to be sold.

The new law was passed by the Legislature as part of Chapter 98. Article 13 makes several changes to Minnesota Statutes, section 151.72 regarding the sale of certain cannabinoid (CBD) products. The changes took effect on July 1, 2022. The new law amends the scope of sale of any product that contains cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended for human or animal consumption.

Since the enactment of the law, City staff, in coordination with the League of Minnesota Cities, has been researching and collecting information from state agencies and stakeholders to answer questions pertaining to the following:

- Local regulatory authority
- Law enforcement
- Taxing
- Employment

At the August 2, 2022 City Council Work Session, City staff was directed to research the option of placing a moratorium on activities related to the sale and regulation of edible cannabinoid products within the City of Winsted. Based on research completed from the League of Minnesota Cities, a moratorium (properly termed an interim ordinance) may be used by cities to protect the planning

process. Cities must follow the procedures established in State statute to initiate a moratorium. First, cities adopt an ordinance (interim ordinance) to regulate, restrict, or prohibit any use, development or subdivision within the city or portion of the city for a period not to exceed one (1) year from the effective date of the ordinance. An interim ordinance may only be adopted where the City:

- Is conducting studies on the issue.
- Has authorized a study to be conducted.
- Wants to regulate, restrict or prohibit a housing proposal and the ordinance has been approved by a majority vote of all members of the city council.
- Has held or scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or other official controls, including the zoning code, subdivision controls, site plan regulations, sanitary codes, building codes, and official map.
- Has annexed new territory into the city for which plans or controls have not been adopted.

The findings of fact upon adoption of the ordinance should state the legal justification for the interim ordinance.

City staff recommends the Council adopt the ordinance placing a moratorium on all activity related to edible cannabinoid products in the City of Winsted. As directed by the City Council, City staff will continue to research and provide information regarding the new law to assist the City Council in making decisions related to potential regulations, licensing, and enforcement in the City of Winsted.

Mayor Schulenberg opened the Public Hearing. No comments were received.

Council Member Quast motioned to close the Public Hearing. Council Member Henrich seconded the motion. Motion carried 5-0.

Council Member Henrich motioned to adopt Ordinance O-22-05, an interim ordinance amending Chapter 12, Section 1205.000, of the Municipal Code of the City of Winsted, concerning the regulation of Edible Cannabinoid Products, by authorizing a study related to edible cannabinoid products and imposing a moratorium on all activity and sales, pending completion of the study. Council Member Quast seconded the motion. Motion carried 5-0.

4) No Old Business

5) New Business

a) Ordinance O-22-06 – Chapter 15 – Zoning Ordinance Text Amendment

Mr. Birkholz stated that the City received an application from Matt Field for a text amendment to the zoning ordinance for the City of Winsted to allow pool covers, as an alternative to fences, in relation to swimming pools protection. Mr. Field lives at 410 Zion Avenue in Winsted, and is requesting to install an inground pool with a certified safety pool cover on the pool instead of a fence, which is the requirement within the zoning ordinance.

Review of other cities ordinances was completed, which found that some cities allow pool covers as an alternative to a fence and some cities do not. The proposed text amendment language to be considered by the City Council, which allows pool covers as an alternative, comes from the City of Rogers zoning ordinance.

At the August 8, 2022 Planning Commission Public Hearing, pool covers and how much weight they can bare were discussed. The Planning Commission recommended approval of the proposed text amendment that includes language that pool covers are to bare a minimum of 1,000 pounds of weight. Mr. Birkholz reviewed the recommended text amendment that was included in the August 16, 2022 City Council packet.

Council Member Ollig motioned to adopt Ordinance O-22-06, a text amendment regarding pool covers in Chapter 15, Section 1 of the Winsted Zoning Ordinance, Section 1501.016

General Regulations and Performance Standards; Letter N, Swimming Pool Regulations. Council Member Stotko seconded the motion. Motion carried 5-0.

b) Vehicle Maintenance – Winsted Volunteer Fire Department

Mr. Birkholz stated that during the summer of 2022, the Winsted Volunteer Fire Department (WVFD) used a Fire Department engine, identified as “E2”, during training and noticed a water leak. It was determined that the pump needs to be overhauled and repaired.

Two (2) quotes for the repair were received; one (1) from MacQueen Equipment for \$15,155.58, and one (1) from Emergency Apparatus Maintenance (EAM) for \$14,384.00. The WVFD recommends to proceed with the quote from MacQueen Equipment at \$15,155.58, since that quote is itemized and because MacQueen rarely goes over-budget when making repairs to the equipment. EAM's quote is not itemized, and their end repair costs sometimes exceed the quoted price.

The WVFD budget for repairs and maintenance is currently over budget in 2022; however, the repair should not wait. The repair was discussed at the WVFD Board Meeting on August 10, 2022, where members recommended the repair to be completed in 2022 and not delayed. Due to this factor and the cost of repairs, it is recommended to approve the quote from MacQueen Equipment and utilize the fund balance in the Fire Department operations fund to cover the repair cost.

Council Member Quast motioned to authorize the City Administrator to approve a quote from MacQueen Equipment to perform pump repairs to a Winsted Volunteer Fire Department fire engine for an amount not to exceed \$15,155.58. Council Member Stotko seconded the motion. Motion carried 5-0.

6) Organization Report

a) Winstock Country Music Festival (Winstock)

Mr. Ryan Guenigsman, Vice Chairman of Winstock Committee, provided information regarding Winstock to include the following items.

- The 2022 Winstock event was again held in its regular month of June, after occurring in August of 2021, due to the Covid-19 pandemic. Mr. Guenigsman reviewed the artists that played at the event.
- Approximately 17,000 people attended Winstock in 2022, with approximately 4,000 campsites used.
- Thanked all volunteers and service providers that work together to make the event a success.
- Reviewed changes implemented for the 2022 Winstock event, to include meal changes in the Very Important People (V.I.P) section and establishing a standing room only area.
- Reviewed leadership transition within the committee in the upcoming years, as Mr. Dave Danielson transitions out of the Chairman role and he, Mr. Guenigsman, transitions into it.
- The Winstock grounds were able to be used for the Wall that Heals Veterans Memorial that visited the City of Winsted July 27 – 31, 2022.
- Currently planning for the 2023 Winstock event, which will be held on June 16 –17, 2023.

8) Open Forum

- a) Mr. Ryan Hansch introduced and provided information about himself, as a Candidate for McLeod County Attorney.
- b) Mr. Aaron Kubasch, Winsted Public Cemetery Board Member, thanked the City of Winsted for sealcoating the Winsted Public Cemetery road.

8) City Administrator and Announcements


Mr. Birkholz made the following announcements.

- The Economic Development Authority (EDA) is scheduled to meet at 3:30 p.m. on August 18, 2022.
- Multiple City Commissions have vacancies; residents are encouraged to consider filling them in order to participate in, and understand the process of local government.
- Winsted Holding Activities that Unite People (WHAT UP) is hosting a movie at the Weinbeck Athletic Complex on August 19, 2022.

9) Adjourn

Council Member Quast motioned to adjourn the meeting. Council Member Henrich seconded the motion. Motion carried 5-0.

The meeting adjourned at 6:36 p.m.



George Schulenberg
Mayor
City of Winsted

ATTEST:



Raquel Kirchoff, CMC
City Clerk-Treasurer
City of Winsted