

**Minutes for a Regular Meeting  
Of the Winthrop City Council  
Monday August 4th, 2014**

A regular meeting of the Winthrop City Council was called to order at 7 p.m. on Monday, August 4th, 2014 in the City Council Chambers of City Hall for the purposes of conducting the business of the city.

- I. **CALL TO ORDER** The meeting was called to order by Mayor Dave Trebelhorn at 7:01 p.m.
  
- II. **ROLL** Council members Rob Edwards, Lyle Muth, Pete Machaiek, Ed Pelletier and Colleen Dietz were present. City Administrator Mark Erickson, City Attorney Don Lannoye, Mike Mattison, Dean Conklin, Jenny Hazelton, Sandy Ulbrecht, Linda Bensen, Jeff Gatton, Mark Santelman, Judy R/iedel, Shelly Zacate, Luis Zacate, Leah Zacate, Jasmine Zacate, Darlene Weber, Barb Pagel, Diane Fredin, Darv Turbes, Jeff Nielsen, John Woods, Barb Johnson, Kevin Louwagie, Pete Schukert, Barb Ahlbrect, Barb W, Michael Lindstrom, Jeff Franta, Fritz Busch, Mary Jennings, Arlys Lindstrand, Mary Jane Ohland, Lance Wiborg, Karen Johnson, Dana Melius, Kim Melius, Howard Kammerlander, Allen Bartel and Jessica were also present.
  
- III. **OPEN PUBLIC FORUM**  
The following people gave remarks regarding the pending UFC rezoning and Conditional Use Permit. Opposed: Mark Santelman, Barb Johnson, Mary Jennings, Shelly Zacate, Michael Lindstand, Dana Melius, Lowell Bensen, Howard Kammerlander. In Favor: Arlys Lindstrand, Pete Schukert, Lance Wiborg, Jeff Franta.
  
- IV. **ESTABLISH AGENDA**
  - a. Motion Pelletier second Dietz to add 2<sup>nd</sup> Street, Trebelhorn Tile, and Close 1<sup>st</sup> Street for Fireman Street Dance and approve Agenda as presented. Passed on a voice vote.
  
- V. **APPROVAL OF CONSENT AGENDA**
  - a. Motion Machaiek, second Muth to approve the consent agenda as presented. Passed on a voice vote.
  
- VI. **PUBLIC HEARINGS**
  
- VII. **NEW BUSINESS**
  - a. **Recommendation from Planning Commission regarding UFC rezoning and Conditional Use Permit** – Don Lannoye walked the council through the process to date regarding the UFC rezoning and conditional use permit. He told the council the Planning Commission

is an advisory committee and only the council can approve or disapprove the request. He said the council can approve the request, wait to make a decision, hold another public hearing or not take action at all which means the request will be deemed approved because of the 60-day rule. Lannoye then took the council through the proposed resolution to approve the requests. Edwards asked if approved would it be approved annually or could it be for a longer period of time. Lannoye said it could be one year at which time the council could make it conditional again or make it longer. Pelletier said he listened to the concerns at the hearings. He said the Comprehensive Plan calls for the rezoning of such lots and is in favor of approving the resolution. Edwards read a statement about trying to get UFC and the Zacates together to find resolution. Dietz asked why it couldn't be on the east side of town. The request is for the current property. Motion Edwards, second Dietz to approve Resolution 20140804-1 approved the rezoning and conditional use permit for UFC. Machaiek asked if the rezoning was spot zoning. Lannoye said it was not because UFC's property next to the property in question is zoned C-1. Machaiek asked if all nine requirements for rezoning and CUP were met. Lannoye answered that the Planning Commission found all the requirements had been met. He added that the property must first be owned before a rezoning or CUP request could be made. Machaiek asked if all state requirements had been met. Lannoye answered that different state agencies have different requirements and UFC would have to meet them before they could build a diesel fueling station. Muth said he was disappointed Pete and Rob couldn't get the two sides together to discuss and resolve the issue and thanked them for their efforts. Machaiek said this was the hardest vote he has cast in his 25 years on the council. Dietz agreed with Machaiek's comments. Edward said he would like to see an amendment to the resolution to have UFC notify Don Lannoye of their first day of operation (when the project is fully completed) and have the CUP last for 13 months from that date. Motion Pelletier, second Muth to amend the resolution to reflect the new timetable offered by Edwards. Motion passed on a 3-2 vote. Motion Edwards, second Dietz to approve Resolution 20140804-1 concerning rezoning and the CUP for the UFC property. Motion on a 3-2 vote.

- b. Hiring Part Time Utility Clerk** – The Administration Committee is recommending the council hire Melissa Lorenz for the part time utility clerk position for up to 30 hours a week at \$10 an hour with six a month probation period. Motion Dietz, second Muth to hire Lorenz under the conditions outlined. Passed on a voice vote.
- c. Chickens in City Limits** – There has been some complaints about residents have chickens in city limits. Pete Schukert told the council he has had chickens for three years and talked about how he manages them. A copy of the New Ulm city ordinance regarding chickens was

made available to the council. After discussion it was decided to have staff look at what other towns do and make a recommendation to the council.

- d. **Winthrop Historical Society** – Diane Fredin of the Winthrop Historical Society presented a report on the Society, including their current financial situation. She said they are in the process of moving into the former Sibley Medical Building. She also received a letter and call from the U.S. Army saying the former reserve building was being given historical status which will require a historical review. The process could take several years. She told the council the society is taping oral histories of residents using equipment they purchased from city funds provided the society last year.
- e. **Footings for Chicken BBQ pit at City Park** – Erickson said the chamber would like the city to pay for cement for permanent cement footings for the annual chicken BBQ. Isaac Hahn was donating his labor for the project. The total cost should not exceed \$500. Motion Edwards, second Muth to approve payment and placement of the footings at the City Park. Pass on a voice vote. City Clerk Jenny Hazelton said the city had received a \$2,000 grant from the county to helping the community in any way they chose.
- f. **2<sup>nd</sup> Street Limits** – Erickson said the county was asking if the five ton weight restriction for 2<sup>nd</sup> Street would be enforced after the road is frozen. The state of Minnesota allows a 10% overage on weight after a road has been frozen. Staff will research and bring the issue back to the council.
- g. **Trebelhorn Sump Pump on Linden Lane** – Erickson said the Trebelhorns would like permission to hook up the sump pump from their new home to the city's storm sewer line on Linden Lane because the special sump pump line cannot be found. Gordy Grack said Hjerpes would come in and make the connection. The cost up to the street would be the responsibility of the Trebelhorns and any cost in the street would be the city's responsibility. Motion Edwards, second Dietz to allow the Trebelhorns to hook up to the storm sewer system. Passed on a voice vote.
- h. **Close 1<sup>st</sup> Street for Firemen's Dance** – Erickson said the Firemen would like 1<sup>st</sup> Street Closed for their 125<sup>th</sup> anniversary dance August 16<sup>th</sup>. Motion Dietz, second Edwards to close the street for the dance. Passed on a voice vote.

## **VIII. REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

### **a. LEGAL DEPARTMENT REPORT**

Lannoye said he was waiting to hear from the new police union regarding a contract. He hopes to have a contract by the September council meeting. He said the planning commission was recommending adding pet boarding and/or pet day care as a conditional use in the R-1

zone. The commission held a public hearing and there was no opposition to the request and only support for the idea. The change will require two readings by the council. To have a pet boarding business in an R-1 zone would still require application for a Conditional Use Permit. Motion Edwards, second Dietz to have the first reading of the proposed amendment allowing pet boarding and/or pet day care in an R-1 zone. Passed on a voice vote.

**b. ELECTRIC DEPARTMENT**

Grack said there was an outage at the football field that will require putting in a new feeder line at a cost of about \$20,000.

**c. POLICE DEPARTMENT REPORT** – Chief Johnson introduced new full time police officer Zach Pierce to the council. He started June 17<sup>th</sup> with training and went full time on July 1<sup>st</sup>. She asked if the council would allow them to take the city squad car to the funeral for the police officer killed in the line of duty. Motion Dietz, second Edwards to allow the police department to use the squad car for the funeral. Passed on a voice vote.

The meeting was adjourned at 8:40 p.m.

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Mayor

ATTEST:

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City Clerk-Treasurer