

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
Raquel Kirchoff, Administrative Assistant

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

a) The Pledge of Allegiance was taken.

2) Consent Agenda

Council Member Mochinski motioned to adopt the Consent Agenda as presented. Council Member Schlulenberg seconded the motion. Motion carried 5-0.

a) Minutes – City Council – Work Session – July 17, 2012

Accepted the minutes of the City Council Work Session of July 17, 2012.

b) Minutes – City Council – Regular Meeting – July 17, 2012

Accepted the minutes of the City Council Regular Meeting of July 17, 2012.

c) Resignation – Kurt Landin *

Accepted Kurt Landin's resignation from the Winsted Park Commission.

d) Winsted Summer Festival – Fireworks Contract

Approved the outdoor fireworks display contract with RES Specialty Pyrotechnics Incorporated to provide fireworks at the Winsted Summer Festival on Saturday, August 11, 2012 (Rain Date – Sunday, August 12, 2012).

e) Flagship Bank of Winsted – Pledged Securities

Approved the Pledged Securities that Flagship Bank of Winsted has purchased for the City of Winsted for the month of July, 2012.

f) Claims

Approved the claims list for August 7, 2012.

3) Public Hearings.

a) Ordinance O-12-07 – Solid Waste Removal

Mayor Stotko opened the Public Hearing at 6:02 p.m.

Mr. Martens stated that the City of Winsted currently has a contract with Waste Management for exclusive rights to collect and dispose of refuse materials for all properties in the City of Winsted through August 30, 2012.

Martens continued by stating that staff has researched the City's options including looking into what other communities do for waste removal and found it common that a single hauler was contracted for residential properties while Commercial, Industrial, and Rental properties (with more than four units) are able to receive service with a provider of their choice. In these communities, haulers were still approved by the City by permit.

Mr. Martens stated that staff feels that this option may best serve the businesses in the City of Winsted. In addition, staff has been contacted by several business owners asking that in the future Commercial, Industrial, and Rental properties be excluded from a City-wide contract. These business owners feel that restricting waste removal to one company is detrimental to their businesses.

Martens explained that a new Solid Waste Removal Ordinance has been drafted to replace the existing Sanitation Ordinance. If approved by the City Council it is recommended that the Ordinance take effect on September 1, 2012. Martens highlighted some of the items within the newly drafted ordinance stating that it:

- Allows multiple haulers for non-residential service.
- Allows for a City contract for residential services.
- Allows for the contractor to bill for service if requested by the City (staff is recommending this).

Mr. Martens explained that if approved, the next step in the process is to approve a Request for Proposals (RFP) and seek bids on service, which will be discussed under the New Business section of the August 7, 2012 City Council meeting.

Martens also stated that two (2) additional comments have been received from property owners in Winsted (paraphrased below):

1. Government should not limit individuals from choosing their own service provider.

The City of Winsted's staff response to this comment is that contracting with one hauler for residential properties provides the lowest rates city wide (strength in numbers). Additionally it limits the wear and tear on City streets.

2. Removing waste removal from the City's utility bills will result in individuals not paying for waste removal. This means they will either have waste on their property or put in dumpsters on other properties.

The City of Winsted's staff response to this comment is that the City annually has a deficit in the waste removal fund due to lack of payment. The City is still required to pay for all services rendered. This was a \$4,000 loss in 2012.

Mr. Martens stated that staff recommends that the City Council approve the proposed Ordinance as drafted, and also recommends having one residential hauler, with that hauler billing residents directly.

Martens asked the City Council to consider a motion to adopt Ordinance O-12-07 amending the City's Solid Waste Ordinance through repeal and replacement of Chapter 3, Section 5 of the City Code; establish a solid waste hauler license with an annual fee of \$150; and direct the City Administrator to set insurance requirements as recommended by the City's insurance provider.

No comments or questions were received from the City Council.

Mr. Marvin Vetsch, of V's Grill, 220 Main Avenue West, stated that he appreciated that the City Council was looking at the change and that he is in favor of the new ordinance and hopes it is approved. Mr. Vetsch stated that he has received a bid for \$120 less per month for his business, which is significantly less.

No further comments or questions were received.

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

Council Member Ollig motioned to adopt Ordinance O-12-07 amending the City's Solid Waste Ordinance through repeal and replacement of Chapter 3, Section 5 of the City Code; establish

a solid waste hauler license with an annual fee of \$150; and direct the City Administrator to set insurance requirements as recommended by the City's insurance provider. Council Member Quast seconded the motion. Motion carried 5-0.

4) **No Old Business.**

5) **New Business**

a) Complaint – Glenn Weibel

Mr. Martens stated that the City of Winsted has received a written complaint from Glenn Weibel about the operations of Westside Skydivers, specifically related to skydiving activities taking place after approved hours.

Mr. Glenn Weibel, 540 - 1st Street North, stated that he is a member of the Airport Commission and has been for approximately fourteen (14) months . Mr. Weibel stated that there are issues that he would like addressed and was told by the City Administrator that the only process for this was through the formal complaint process with the City Council.

Mr. Weibel stated that he filed an addendum on August 7, 2012 to the original complaint that he submitted. The original complaint indicates that a skydiving incident on July 11, 2012 was in non-compliance to the contract between Mr. Joe Johnson and the City of Winsted. Paragraph number four (4) of the contract states, under Hours of Operation, that "no skydiving activities shall take place until thirty (30) minutes after sunrise or thirty (30) minutes before sunset."

Mr. Weibel stated that on July 11, 2012 he was working in his back yard and noticed a skydiver leave at approximately 8:38 p.m. and land at approximately 8:43 p.m. Mr. Weibel continued by stating that sunset time on that date was listed at 9:02:03 p.m. Weibel stated that he had a computer print out of sunset times for July and August, and also mentioned that sunset times are printed on the Westside Skydivers website. There should be no question of what sunset time is.

Mr. Weibel stated on the same evening, he again observed the jump airplane at 9:04 p.m. and three (3) skydivers departed, landing at approximately 9:11 p.m.

Mr. Weibel stated that after he read the City staff's recommendations in the City Council packet regarding how to handle the complaint, he delivered an addendum to the original complaint with additional information that needs to be considered by the City Council as follows:

- On May 16, 2012, with the sunset time of 8:42 p.m., (this date was one week after Mayor Stotko was present at the Airport Commission meeting and referenced the Moon Jumping event that Westside Skydivers had hosted), a Westside skydiver landed on the football field at 8:33 p.m.
- On June 9, 2012 divers landed at 8:44 p.m., 8:46 p.m., and 8:48 p.m. on the south side of the airport, well within the 30 minutes prior to sunset time that should not occur.
- On August 6, 2012 at 8:33 p.m. there were skydivers jumping with sunset at 8:35 p.m. This was observed by three (3) other individuals besides Weibel.
- On June 17, 2012, the Westside pick-up and fuel trailer were out on the runway area along with several skydivers. There is no reason for a fuel vehicle to be on the runway area. This is a safety issue. Photos were provided of this incident and have been forwarded to the Federal Aviation Administration (FAA) by the photographer as a safety issue.

Mr. Weibel stated that he has a list of many individuals that are able to speak for his credibility, that can be provided. He does not have to defend his credibility because the issues referenced are non-compliances according to the contract.

Mr. Weibel offered a possible solution to monitor the airport and suggested that the City Council appoints him as the manager of the Winsted Municipal Airport on a one (1) year trial term with a payment of \$20.00 per month. He would provide the list of ten (10) individuals to speak for his credibility that the City Council could contact.

Mr. Joe Johnson addressed the City Council and stated that most of the information that Mr. Weibel referred to was accurate. He apologized for running past the thirty (30) minutes prior to sunset timelines. He explained that usually when the timeline is passed, he is running his "182" airplane which runs and climbs differently depending on the weather and it is hard to gage the time because of this. If customers are at the site waiting, Westside Skydivers does their best to accommodate them.

Mr. Johnson stated that per "Part 91, 105", Westside Skydivers is allowed to jump until sunset, plus or minus a few minutes.

Mr. Johnson also stated that at times, jumpers do land off of the drop zone do to varying winds, etcetera. Johnson explained that Westside Skydivers do their best to land in the safest place with the least traffic. Regarding the football field incident that was mentioned, Mr. Johnson stated that he was the jumper that landed there, due to not being able to make the intended spot for landing. The football field was chosen because it was a safe place to land.

Mr. Johnson stated that the fuel truck that was mentioned by Mr. Weibel was not parked on the runway; it was parked next to the runway, south of the lights. The runway was usable, but the entrance to the runway was very wet. Westside Skydivers thought it best to fuel as they were back taxiing and load right there rather than coming on and off the runway to prevent damage to the entrance. Westside Skydivers communicated what they were doing. Johnson stated that it was common to back taxi on the south side while airplanes are going and does not believe it was a safety issue. He further stated that this only happened the one time.

Mr. Mochinski stated that the thirty (30) minutes prior to sunset clause was in the contract between the City of Winsted and Mr. Johnson. It has nothing to do with the FAA. Mr. Johnson stated that he understood that.

Mr. Mochinski stated that the skydivers should not even be taking off in the airplane thirty (30) minutes prior to sunset because taking off would be a skydiving operation. Mr. Johnson agreed that taking off would be an operation but asked what constituted a skydiving operation; the term skydiving operation can be vague.

Mr. Martens stated that within the contract it refers to skydiving activities and they are not specifically defined in the contract, but everyone can agree that jumping out of the airplane, or taking off in the airplane to jump out of the airplane would be a skydiving activity.

Council Member Quast asked Mr. Johnson how close to thirty (30) minutes before sunset do they take the last reservation? Mr. Johnson replied two (2) hours before sunset. Council Member Quast then asked how so many infractions are happening if they are leaving a two (2) hour cushion. Mr. Johnson again apologized and stated that it happens on the days that they are running the "182" airplane that climbs slowly in hot weather. Council Member Quast responded that she does not understand why Mr. Johnson would jeopardize himself with these infractions when he has such a lucrative business.

Mr. Johnson stated that no one has ever defined if an airplane is able to take off thirty (30) minutes prior to sunset and then land at sunset for him. He stated that Westside Skydivers has done that during its first year of business and no one has ever complained about the issue.

Council Member Quast stated that if there is a group of people that are scheduled to go out on the last run of the day and Westside Skydivers is running behind, that group should not go out. They should have to come back another time. If the scheduling does not allow for staying within the contract with the City or with the FAA, the group that does not fit into the schedule cannot go.

Mr. Johnson stated that they do consider not letting the group go if it would mean going out past the sunset rule because he will not break a Federal Aviation Regulation (FAR). As far as the contract with the City goes, he has always tried to take off thirty (30) minutes prior to sunset.

Council Member Ollig stated that he was upset that this issue was being discussed because there is a contract in place, and Mr. Johnson knows what is in the contract. Council Member Ollig stated that Mr. Johnson must know if they are running behind when the last group is jumping and he should be apologizing to the person that cannot jump because there were problems during the day and not apologizing to the City of Winsted. If that would mean that Westside Skydivers would have to give

the customer a refund because the airplane is not working its best because it is a hot day, or something similar to that, that is Johnson's business. Council Member Ollig stated that Mr. Johnson is putting the City of Winsted in a bad position with these infractions.

Mayor Stotko stated that he agrees with Council Member Ollig. The contract was signed by the City in good faith and if it was an issue that Westside Skydivers needed more time, it should have been in the contract. The contract was violated and Mayor Stotko's biggest concern is that there is a complaint and it is a safety issue. If it wasn't a safety issue, he does not believe it would be as big of an issue. Mayor Stotko motioned that the City terminates the contract with Mr. Joe Johnson.

Council Member Schulenberg stated that he would vote the same.

Council Member Quast stated that it is the right thing to do but she hates to see a business go out of town. She continued by stating that the City makes the rules after spending a significant amount of time on them. Council Member Quast stated that if it were just a one time infraction, she might think differently, but it is not.

Council Member Ollig stated that he agreed with Mayor Stotko.

Council Member Mochinski stated that he agrees with Mayor Stotko because it is a contract that must be abided. He also stated that Mr. Johnson put the City of Winsted in a tough situation.

Council Member Quast questioned that if the City Council votes to terminate the contract, is Mr. Johnson able to re-submit for a new contract that would be more explicit with conditions in it?

Mr. Martens responded yes and gave the City Council options on if they terminated the contract as of August 7, 2012 or if they waited to terminate the contract as of August 31, 2012.

Mr. Johnson stated that these violations of the contract were not safety violations. Mayor Stotko stated that according to the complaint it was a safety violation and the pilots know that they are not to take off thirty (30) minutes prior to sunset. Mr. Johnson stated that the transient pilots know nothing about his contract with the City, and per FAR 105, Westside Skydivers are allowed to jump until sunset. Mayor Stotko asked what the Notices to Airmen (NOTAM) says. Mr. Johnson responded that the NOTAM is filed from sunrise to sunset. Mayor Stotko asked Mr. Johnson if he was sure. Mr. Johnson responded yes; that he filed the NOTAM. Mr. Johnson again stated that they are allowed, per the FAA, to jump until sunset and even to do night jumps per the FAA.

Council Member Shulenberg asked if the contract states "no skydiving activities shall take place until thirty (30) minutes after sunrise or thirty (30) minutes before sunset," is it not possible to tell the pilots about this. Mr. Johnson responded that at the time he signed the contract, he never imagined that he would be this busy and have to manage the time so tightly. He compared the number of infractions to the total days he has been in business and stated that it is not a daily or regular occurrence that the thirty (30) minutes prior to sunset clause is violated. He stated that he would start saying no to the customers but that terminating the contract would jeopardize the business.

Mayor Stotko stated that he had made a motion and was waiting for a second. Council Member Schulenberg seconded the motion. Council Member Mochinski stated that he did not want to eliminate a business. He wished that the contract was written differently to have other measures besides terminating the contract. Council Member Quast stated that she agrees that she doesn't want to eliminate a business. She suggested that a Special City Council Meeting be called, with Mr. Johnson paying for the meeting, to propose a new contract so that Mr. Johnson did not have to wait two (2) weeks for a new contract to be signed.

Council Member Ollig stated that a motion has been made and a second has been received so the City Council needs to act on the motion. Council Member Ollig asked for the motion to be repeated.

Mayor Stotko motioned to terminate the contract effective immediately based on the violation of skydiving activities occurring thirty (30) minutes prior to sunset. Council Member Schulenberg seconded the motion. Motion carried 4-1. Council Member Mochinski opposed.

Council Member Quast motioned to schedule a Special City Council meeting as soon as possible with Mr. Johnson paying for the expense of the Special City Council meeting for the

purpose of creating and approving a new contract between the City of Winsted and Mr. Johnson. Council Member Ollig seconded the motion. Motion carried 5-0.

Council Member Quast stated that the City Council is trying to work with Mr. Johnson and she hopes that Johnson respects the City Council and will follow the rules.

Mayor Stotko stated that there is obviously bad blood between Mr. Weibel and Mr. Johnson that is having a negative impact on the Winsted Airport Commission, the Airport Liaison - Council Member Mochinski, the staff and the City Council. Individually, Mr. Weibel and Mr. Johnson may be an asset for the Airport Commission but together it is not working. Mayor Stotko requested resignations from the Winsted Airport Commission from Mr. Weibel and Mr. Johnson by the end of the business day, August 8, 2012. He informed them that this is his opinion only, and they did not have to submit them, but he feels it would be for the best.

b) Liquor License Violation – Corner Bar and Grill

Mr. Martens stated that at approximately 12:48 a.m. on Monday, May 28, 2012, Officer Pohl observed patrons inside the Corner Bar and Grill consuming alcoholic beverages.

Martens continued by explaining that the City's Liquor Ordinance states: "No sale of intoxicating liquor for consumption on the licensed premises may be made between 12:00 midnight and 8:00 a.m. on Mondays..." The Liquor Ordinance further states:

- "No person, including a licensee, employee of the license, host of a private party or guest of a private party, shall consume, sell, or permit the consumption of any intoxicating liquor or 3.2 percent malt liquor in an on-sale licensed premises more than 30 minutes after the time when a sale can legally occur."
- "No on-sale licensee shall permit any glass, bottle, or other container containing intoxicating liquor or 3.2 percent malt liquor to remain upon any table, bar, stool, or other place where customers are served, more than 30 minutes after the time when a sale can legally occur."
- "No person, other than the licensee and any employee, shall remain on the on-sale licensed premises more than 30 minutes after the time when a sale can legally occur."
- "Any violation of any condition of this section may be grounds for revocation or suspension of the license."

Mr. Martens stated that the incident was forwarded to the City Attorney for charges. Brittany Jones and Bryan Dennis Schwanke plead guilty to the charge of no person to drink liquor thirty (30) minutes after legal sale can occur and were each assessed a fine and surcharge in the amount of \$200.

Mr. Martens explained that per City Ordinance, the City Council may suspend the Corner Bar and Grill's license for up to sixty (60) days. He continued by stating that this same ordinance states that for a first violation of this ordinance, the liquor license will be suspended for a minimum of one (1) day. The day of suspension shall be on the same day of the week as to when the violation occurred. In addition, the ordinance allows the City Council to impose a fine of \$500 (minimum).

Martens stated that this is the first violation for the Corner Bar and Grill and asked the City Council to consider a motion to suspend the liquor license of the Corner Bar and Grill on Monday, August 13, 2012 and require the Corner Bar and Grill pay a \$500 fine to the City of Winsted.

Mr. Martens stated that there have been other violations in the past, in different establishments, and this would follow the same process of how they were handled.

Mr. Scott Bayerl, owner of The Corner Bar and Grill, 111 – 1st Street North, was present at the meeting and stated that the violation happened as Mr. Martens explained. Mr. Bayerl asked why Monday, August 13, 2012 was chosen as the day to suspend the liquor license and referenced that in the past, when other establishments had violations, they were given leniency on what day they had to close.

Mr. Martens stated that he was following the City's ordinance when the date of August 13, 2012 was chosen. In the past when other bar owners had a violation, they were allowed to choose the day they would close based upon the City Attorney's opinion of the ordinance language at that time. When the City Attorney was asked his opinion regarding the ordinance language for this incident, he stated that the day should not change and the ordinance should be followed.

Mr. Martens stated that there is precedence from the past incidents and that the City Council voted in the past to change the day and allow the establishments to have input on the day they closed, except for Mayor Stotko who opposed and wanted to follow the ordinance.

Council Member Ollig asked Mr. Bayerl what day he would want to close, if he could choose. Mr. Bayerl replied that he would prefer Monday, September 10, 2012.

Council Member Mochinski asked if there was any language in the ordinance regarding timelines of when a penalty has to be dealt with. Mr. Martens replied no and stated that since September 10, 2012 is a Monday, the requirements of the ordinance would be met.

Council Member Ollig motioned to suspend the liquor license of the Corner Bar and Grill on Monday, September 10, 2012 and require the Corner Bar and Grill to pay a \$500 fine to the City of Winsted. Council Member Schulenberg seconded the motion. Motion carried 4-1. Mayor Stotko opposed.

c) Request for Proposals – Residential Solid Waste Removal

Mr. Martens stated that staff is requesting approval from the City Council to advertise a Request for Proposals (RFP) for the City's residential solid waste removal. The RFP is for the weekly collection of solid waste at residential properties in the City of Winsted. Additionally, the RFP includes service to publicly owned facilities and city events at no additional cost.

Mr. Martens stated that contractors interested in responding to the RFP will be asked to bid based upon a three (3) year Residential Solid Waste Removal Contract and submit a "lump sum" monthly waste removal rate for three (3) sizes of containers. The rates may be adjusted annually based upon the change in the consumer cost as reflected in the Consumer Price Index – All Urban Consumers, (CPI-U) Minneapolis St. Paul, MN-WI, All Items, for the preceding December, but not to exceed three percent (3%).

Mr. Martens stated that per the Solid Waste Ordinance presented earlier, the contract will be awarded "based upon the amount of the proposal submitted as well as considerations of overall cost, general safety, as well as the number and level of services offered."

Martens explained that the RFP will be advertised in the Herald Journal on Monday, August 13, 2012 and be due no later than 1:00 pm on Friday, August 24, 2012. Bids will be reviewed by the City Council at the September 4, 2012 City Council meeting.

Mr. Martens also requested that due to the short time frame, staff is proposing to begin the new contract October 1, 2012 and is asking for approval to extend the existing residential service with Waste Management through September 30, 2012. Martens noted that Ordinance O-12-07 that was approved earlier in the meeting will take effect on September 1, 2012.

Martens asked the City Council to consider a motion to advertise a Request for Proposals for the City's residential solid waste removal services and authorize the City Administrator to extend the existing waste removal contract for residential service through September 30, 2012.

Council Member Schulenberg motioned to advertise a Request for Proposals for the City's residential solid waste removal services and authorize the City Administrator to extend the existing waste removal contract for residential service through September 30, 2012. Council Member Quast seconded the motion. Motion carried 5-0.

Council Member Ollig asked that with the action that was taken at tonight's meeting, Commercial, Industrial, and Rental properties are able to have the hauler of their choice as of September 1, 2012. Mr. Martens replied yes; however, those haulers are required to apply for a license before then from the City of Winsted.

d) Safety Program Contract – SafeAssure Consultants, Incorporated

Mr. Martens explained that the City of Winsted is required by the United States Department of Labor, Division of Occupational Safety and Health Administration (OSHA) to meet certain employee training standards and to have documented proof of employee training as well as written procedures for

specific standards. While staff has attempted to meet these requirements, it is strongly recommended that the City of Winsted contract with a company to ensure compliance is being obtained.

Martens stated that over the last month, the City of Winsted has been working with McLeod County and each of the cities in McLeod County to obtain a contract for these services. The group has recommended that all municipalities in the County contract with SafeAssure Consultants, Incorporated and to coordinate trainings together in order to reduce costs associated with the requirements stated earlier.

Mr. Martens stated that SafeAssure Consultants, Incorporated has presented the City of Winsted with a proposed contract to provide these services for \$2,800 for a one year term beginning September 1, 2012. He further stated that this represents a significant savings by combining trainings together as a group. A typical contract for a city the size of Winsted is approximately \$5,000.

Martens stated that the programs/services provided by SafeAssure Consultants, Incorporated are guaranteed to meet the requirements set forth by OSHA.

Mr. Martens asked the City Council to consider a motion to approve a contract with SafeAssure Consultants, Incorporated to provide a safety program for the City of Winsted in the amount of \$2,800.

Council Member Quast motioned to approve a contract with SafeAssure Consultants, Incorporated to provide a safety program for the City of Winsted in the amount of \$2,800. Council Member Schulenberg seconded the motion. Motion carried 5-0.

e) Unpaid Leave Request – John Schlechter

Mr. Martens stated that John Schlechter, Maintenance Worker, has requested that the City approve an unpaid leave of absence from August 20–24, 2012. Martens further stated that per the City Personnel Policy, a regular full-time employee may be granted a paid or unpaid leave of absence as determined by the City Council.

Mr. Martens stated that according to the Public Works Leads, approving the leave of absence would not be an undue hardship to the department and is recommended for approval. If approved by the City Council, vacation and sick time accruals would be pro-rated accordingly. Health insurance would remain intact during the unpaid leave of absence.

Martens stated that approving the unpaid leave of absence would decrease the personnel budget for the Public Works Department by \$894.38 (includes pay for 40 hours, PERA contribution, and FICA contribution).

Mr. Martens asked the City Council to consider a motion to approve an unpaid leave of absence for John Schlechter from August 20-24, 2012.

Council Member Mochinski motioned to approve an unpaid leave of absence for John Schlechter from August 20-24, 2012. Council Member Ollig seconded the motion. Motion carried 5-0.

f) Resolution R-12-22 – Decertification of Tax Increment Financing District No. 2-6 of the City of Winsted

Mr. Martens stated that at the July 17, 2012 City Council Work Session, staff presented an opportunity to decertify Tax Increment Financing (TIF) District Two through Six (2-6) early in order to access the funds to pay for a feasibility study for a second industrial park in Winsted.

The City Council directed staff to proceed with the early decertification of the district with the approval of the Herald Journal which is the only affected property.

Mr. Martens stated that staff received an email from Chris Schultz of the Herald Journal on July 26, 2012 stating “Herald Journal Properties, LLC. does not object or oppose the early termination or decertification of TIF District 2-6.”

Mr. Martens explained that the fund balance of the district is \$97,256, of which \$17,681 will be due to the Herald Journal leaving a balance of \$79,575. He further stated that a contribution from the City's General Fund in the amount of \$5,781 is required to pay for the administrative expenses over the limit, and explained that this amount would get larger each year that the district remains open.

Martens stated that an amount of \$85,356 will be returned to McLeod County to be dispersed accordingly. It is estimated that approximately 33% or \$28,167 will be returned to the City of Winsted.

Council Member Ollig motioned to adopt Resolution R-12-22 approving the decertification of Tax Increment District No. 2-6 of the City of Winsted. Council Member Quast seconded the motion. Motion carried 5-0.

6) Department Report

a) Waste Management

Mr. Martens stated that there was an error on the agenda. People Service was going to be giving a Department Report tonight, rather than Waste Management.

a) People Service

Mr. Doug Rainforth, People Service Incorporated, was present and reported on the following:

- Returned the Littfin Lift Station to full capacity of three (3) pumps.
- Westgate Project appears to be in full swing and on schedule
- The most significant event since the last report from People Service has been the arrival of the phosphorus limit as built into the new National Pollutant Discharge Elimination System (NPDES) permit that was issued in late December, 2011. That phosphorus limit is one (1) milligram (mg) per liter. The installation of the chemical feed station that was designed to treat the phosphorus levels down to one (1) mg per liter was achieved very close to deadline. The first sample fell slightly short, but since then, we have been in compliance and anticipate no further notification from the Minnesota Pollution Control Agency (MPCA).
- The acceptance of leachate from Spruce Ridge is on hold. The last load was received sometime during the week of July 4, 2012. We knew there would be challenges with high phosphorus levels and associated chemical costs. There were mechanical failures with two different rotors going down at different times. At this point, evaluation is taking place to make sure that there is a level of income that can override the cost of accepting the leachate. People Service is also evaluating whether accepting the leachate slowly, over a 24 hour process, will help, rather than dumping the leachate in one large load and shocking the system.

Mayor Stotko asked what the timeframe of the evaluation was. Mr. Rainforth stated 30 days, once the repairs were made.

Council Member Mochinski asked if expenditures were exceeding the income so far. Mr. Martens stated that the revenue was exceeding the cost of the chemicals but it was getting close to that not being the case.

Council Member Mochinski asked if the MPCA imposed any penalties when the phosphorus limit was exceeded. Mr. Rainforth stated none that are known of yet, and that the levels were below the 25% exceeding level so none are anticipated.

b) Fire Department

Fire Chief Chad Engel was present and gave the following report.

- Department membership is at 27 members, with a roster of 30. One application is awaiting the next testing date in October, 2012.
- 151 calls as of 8-7-12, compared to 126 calls to this date in 2011.

- 105 calls in the City of Winsted; 87 of these were medicals.
- 44 calls in the four (4) Townships that the Fire Department supports.
- Purchases - The Fire Department received its Department of Natural Resources (DNR) grant and purchased the following; two (2) new pagers, some wild land fire fighting goggles for fire men working on grass fires, and new hose.
- Trucks – A different transmission will be installed in engine two (2), which is the 1972 Ford vehicle. This was the better option to choose with the truck only being down three (3) days once the repair is scheduled, compared to three (3) – four (4) weeks if they would tear the truck apart and try to find the problem and then repair it. Lester Prairie will provide mutual aid to the department while the truck is down.
- Repairs were made on both grass rigs.
- Generator needed repair prior to the Winstock Country Music Festival.
- Activities
 - Supplied Emergency Medical Service (EMS) and Fire Service to Winstock.
 - Annual Spaghetti Dinner was held the Thursday before Winstock.
 - Assisting with National Night Out on Thursday, August 9, 2012.
 - Provide EMS for the fun run around the lake on Saturday, August 11, 2012.
 - Lead the Kiddie Parade on Saturday, August 11, 2012.
 - Duty crew will be present at the Fire Station during fireworks on Saturday, August 11, 2012, due to new location.
 - Annual pancake breakfast will take place on Sunday, August 12, 2102.
 - Will assist the Hutchinson Fire Department at the McLeod County Fair Demolition Derby.
- Training – Customized Fire Rescue Training has provided instructor led training. The department has taken advantage of a state funded reimbursement program to complete training. It is approximated that 90% of training has been reimbursed.

8) Open Forum

a) Mr. Scott Bayerl - 437 Lake Trail

Mr. Bayerl asked why Sunday liquor ends at midnight instead of 1:00 a.m.

Mayor Stotko stated that he recalls that Council Member Wiemiller was on the City Council at the time that ordinance language was written and it may have been a compromise at the time to deal with Sunday liquor and religious reasons.

Mr. Bayerl asked if it could be changed to 1:00 a.m. Council Member Ollig asked Mr. Martens to contact all bar owners in Winsted to see if they would be in favor of the change. If so, Mr. Martens should start the process of making the ordinance change and bring the change to a City Council meeting.

b) Mr. Mike Munson - 140 Rosalie Avenue

Mr. Munson asked the City Council what the understanding was for alleys in the City of Winsted and whether or not they were maintained by the City of Winsted. He explained that his garage is near an alley and he would like to purchase part of the alley to extend his driveway so he has more parking space. He further explained that he has been having an ongoing dispute with neighbors regarding access to the alleyway.

The City Council stated that the City does not maintain alley ways and that all utilities are usually below them. The City Council encouraged Mr. Munson to try to work with his neighboring properties to come to a sharing agreement with all properties that have a stake in the alley way. Until all properties can agree, the City of Winsted will not get involved, because this is then a civil issue.

c) Mr. Aaron Kubasch – 179 Westgate Drive

Mr. Kubasch asked about the status of the demolition of the house at 171 McLeod Avenue West. Mr. Martens stated that the bids for demolition will be considered at the August 21, 2012 City Council Meeting.

9) Announcements

Mayor Stotko read a letter received from State of Minnesota Governor Mark Dayton congratulating Winsted on its 125th Anniversary.

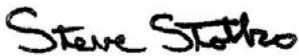
Mr. Martens encouraged Winsted residents to participate in all of the activities to celebrate Winsted's 125th Anniversary during the Winsted Summer Festival.

Mr. Martens thanked the residents of the Westgate neighborhood for their patience during the current Westgate Improvement Project that is underway.

10) Adjournment

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

The meeting was adjourned at 7:35 p.m.



Steve Stotko
Mayor
City of Winsted

ATTEST:



Raquel Kirchoff, MCMC
Administrative Assistant
City of Winsted