

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
Fran Eggert, City Attorney

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

a) The Pledge of Allegiance was taken.

b) Winsted Business Donations – City Park Signs

Mayor Stotko read Resolution R-12-26 recognizing certain Winsted businesses for their donations and/or product discounts to the City of Winsted for new park signs.

Mr. Ralph Millerbernd, Millerbernd Systems, was in attendance at the meeting. The City Council shared their appreciation for their generous donation and product discount for the new park signs.

Mr. Millerbernd stated that it is important to Millerbernd Systems that they support the Winsted Community.

c) Year of Service Recognition – Jamie Stotko – Ten (10) Years

Mayor Stotko presented Mr. Jamie Stotko, Public Works Department, with a Certificate of Appreciation of his ten (10) years of hard work and service to the City of Winsted.

Mr. Martens thanked Mr. Jamie Stotko for his dedication to the City of Winsted and his guidance and support as a Department Head.

2) Consent Agenda

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

a) Minutes – City Council – Work Session – September 18, 2012

Accepted the minutes of the City Council Work Session of September 18, 2012.

b) Minutes – City Council – Regular Meeting – September 18, 2012

Accepted the minutes of the City Council Regular Meeting of September 18, 2012.

c) Parade Permit – Holy Trinity School

Granted a parade permit to Holy Trinity School for Wednesday, October 17, 2012 at 9:30 A.M. with the designated route as submitted to the Winsted Police Department.

d) Hay Ride Permit – Winsted Holding Activities that Unite People (WHAT UP)

Granted a hay ride permit to WHAT UP for Saturday, October 20, 2012 at 12:00 pm with the designated route as submitted to the Winsted Police Department.

e) Resolution R-12-26 - Donation for Park Signs

Adopted Resolution R-12-26 to accept \$3,250 worth of donations and \$6,300 worth of discounts from Winsted businesses to be dedicated to new park signs within the City of Winsted.

f) Resignation – Brad Sietsema – Part Time Police Officer

Accepted the resignation of employment by Mr. Brad Sietsema, Part Time Police Officer effective October 1, 2012.

g) Salary Step Increase – Jamie Stotko

Authorized a salary step increase for Mr. Jamie Stotko, Public Works Department, effective October 1, 2012.

h) Claims

Approved the Claims List for October 2, 2012.

3) No Public Hearings.

4) Old Business

a) Nuisance Abatement Contract – Henning Excavating, Incorporated

Mr. Martens stated that at the June 19, 2012 Regular City Council meeting, the City Council approved an Order for Abatement of damaged property at 171 McLeod Avenue West. The Order for Abatement stated that “the condition of the premises at 171 McLeod Avenue West requires removal of the structure located thereon unless repairs to same are approved and commenced within the next thirty (30) days.” Mr. Martens stated that the thirty (30) day time period has elapsed.

Mr. Martens stated that the abatement ordered the following:

- The nuisance, which is the house that has been destroyed by fire, to be terminated or abated by a plan of remediation acceptable to the City staff and/or removal of the building on the premises and restoration to a residential lot (restored in such form as to be compatible with neighboring residences);
- That the City Administrator is further empowered to contact possible contractors or determine if the City of Winsted’s Public Works Department is capable of removing the structure and proceed with removal of same and identify the cost of same;
- That the City Administrator give notice to the property owner/occupant and other interested parties of the costs of removal including administrative and legal costs; and
- All such costs should be assessed against the property pursuant to Municipal Code Section 1603.009.B.

Mr. Martens stated that the City received three (3) quotes to remove the structure at 171 McLeod Avenue West including the restoration of the lot.

Contractor	Cost To Abate Nuisance
Kubasch Excavating, Incorporated	\$17,374.50
Litzau Excavating, Incorporated	\$19,825.00*
Henning Excavating, Incorporated	\$15,850.00**

**No demolition permit included. No asbestos abatement included.*

***No demolition permit included.*

Mr. Martens stated that Henning Excavating, Incorporated provided the low quote to abate the nuisance at 171 McLeod Avenue West.

Mr. Martens stated that the costs associated with the nuisance abatement will be assessed to the property at 171 McLeod Avenue West.

Mr. Martens stated that the quotes for removing the nuisance were reviewed at the August 21, 2012 Regular City Council meeting. The item was tabled at the recommendation of the City Attorney in an attempt to contact the property owner one (1) more time to possibly resolve the issue without the City of Winsted being involved.

Mr. Martens stated that since that time, the City Attorney and Council Member Schulenberg have met with the property owner. The City Attorney, Mr. Fran Eggert, stated that he and Council Member Schulenberg met with the property owner and her representative. He continued by stating that the property owner has requested that the City allow her until October 31, 2012 to remove any personal property and/or maybe complete some abatement efforts on her own.

Mr. Eggert recommended that the City Council approve Resolution R-12-27 which would allow the property owner until October 31, 2012 to remove any personal property and/or complete the abatement of the nuisance.

Mr. Martens stated that Resolution R-12-27 does allow the property owner to abate the nuisance; so, the motion for the approval to accept the bid for the contractor would state, "to authorize the City Administrator to accept the bid." This would allow Mr. Martens to approve the bid if the property owner fails to abate the nuisance by October 31, 2012.

Council Member Ollig asked if the costs associated with the abatement are assessed to the property, then the City of Winsted taxpayers are not responsible for paying for the abatement. Mr. Eggert stated that if the future property owner does not pay the property taxes for 171 McLeod Avenue West, then the City of Winsted taxpayers could be impacted.

Council Member Ollig stated that if the City is not paying for the abatement costs, then he would like to see the quote accepted from the local contractor, Kubasch Excavating, Incorporated and not the low bidder.

Council Member Quast asked if it is safe for the property owner to enter the property to remove personal items. Mr. Eggert stated that there has been no foreclosure of the property at 171 McLeod Avenue West; so, the property owner can enter the house if she wishes and the City is not liable.

Mr. Martens stated that Resolution R-12-27 should be approved first (1st).

Council Member Ollig motioned to authorize staff to accept the bid from Kubasch Excavating, Incorporated to abate the nuisance at 171 McLeod Avenue West in the amount not to exceed \$17,374.50. Council Member Mochinski seconded the motion. Motion failed 2-3. Council Member Quast, Council Member Schulenberg and Mayor Stotko opposed.

Council Member Quast motioned to adopt Resolution R-12-27 concerning the abatement of 171 McLeod Avenue West. Council Member Schulenberg seconded the motion. Motion carried 5-0.

Mr. Martens stated that if there is not a motion authorizing him to accept the quote to abate the nuisance at 171 McLeod Avenue West, then the house will remain as it is.

Mr. Aaron Kubasch, Kubasch Excavating, Incorporated, addressed the City Council concerning the abatement of the property at 171 McLeod Avenue West. Mr. Kubasch stated that the contractors were not able to enter the house before preparing their quotes to abate the property. He continued by stating that if he would have had the opportunity to enter the house, their quote may have been lower. Mr. Kubasch stated that the increased cost in their bid was due to the number of dumpsters that they estimated they may need to dispose of the property inside the house. If he would have had an opportunity to examine the inside of the house, the quote from Kubasch Excavating, Incorporated may have been lower.

Mr. Kubasch cited the example of the drainage issues on a resident's property due to the Kingsley Lift Station Improvement Project and how it was awarded to a contractor outside of the City of Winsted who stated that they could keep the costs down by having the City's Public Works Department assist with some areas of the project. Mr. Kubasch stated that if the Public Works Department would have assisted with some of the clean-up for the abatement of the nuisance at 171 McLeod Avenue West, the quote from Kubasch Excavating, Incorporated would

likely have been less. He continued by stating that with the excavating work that needed to be completed to rectify the drainage issues on the aforementioned resident's property, the contractor was allowed a \$5,000 difference depending on what the Public Works Department was able to assist with.

Mr. Kubasch stated that if the City of Winsted would have come to Kubasch Excavating, Incorporated and asked what the costs would be to abate the nuisance at 171 McLeod Avenue West, and they were allowed a difference of \$5,000, he would have given a quote of approximately \$15,000 to \$20,000.

Mr. Kubasch also stated that the City Council recently awarded the waste removal quote to Waste Management, even though they were not the lowest bidder, because they were a local business and an important part of the Winsted Community.

Mr. Martens stated that at the time that the City was initially addressing the aforementioned resident's drainage issues, the City had not determined if it was the result of the Kingsley Lift Station Improvement Project. As a result, the resident decided on a contractor from outside of the City of Winsted. Mr. Martens stated that he recommended to continue with the contractor that the resident selected because they were aware of the project and what may be causing the drainage issues to the resident's house and property.

Mr. Martens stated that in order to allow the contractors to enter the house at 171 McLeod Avenue West, the City would have had to obtain a court order. He continued by stating that this would have been a costly and lengthy process. Mr. Martens stated that he made the decision to not to go through the court order process.

Mr. Martens stated that all three (3) contractors were given the same information to prepare a quote for abating the house at 171 McLeod Avenue West. He continued by stating that the City Council could reject the three (3) quotes that have been presented and start the process over.

Mr. Martens stated that the City Council could also direct him to get a court order to allow the contractors to enter the property. Mr. Eggert stated that the City could ask the property owner for permission to enter the property.

Council Member Ollig stated that even if she would allow the contractors to enter the property, if she does remove some of the personal property, the quotes would not be accurate.

Mayor Stotko stated that he does not believe that the City should reject the three (3) quotes and start the process over.

Council Member Ollig motioned to authorize staff to accept the bid from Kubasch Excavating, Incorporated to abate the nuisance at 171 McLeod Avenue West in the amount not to exceed \$17,374.50. Council Member Mochinski seconded the motion. Motion carried 5-0.

b) Utility Billing Insert

Mr. Martens stated that at the April 17, 2012 City Council Work Session, Mr. Chris Schultz of the Herald Journal addressed the City Council regarding his concerns about the items the City is publishing in their monthly utility bills that are not government related. Mr. Schultz stated that he has concerns about the City violating the First (1st) Amendment of the United States Constitution by allowing some organizations to include information in the monthly utility bills and prohibiting others. Mr. Schultz also expressed concern in regards to advertising revenue that is lost to the Herald Journal when events and/or activities are allowed to advertise for free in the City's monthly utility bills.

Mr. Martens stated that the item was further discussed at the June 19, 2012 City Council Work Session where, at the request of the Herald Journal, the City Council directed staff to only advertise items in the monthly utility bill insert that are directly related to City Government. In addition, the City Council directed staff to bring this item to a future City Council meeting to be discussed, and to inform the Herald Journal and affected organizations of the meeting. That meeting was held on August 21, 2012 where staff presented a draft Utility Billing Insert Policy for the City Council to review.

Mr. Martens presented the proposed Utility Billing Insert Policy.

Mr. Martens stated that the City Council received the following comments at the August 21, 2012 Regular City Council meeting:

- Mr. Schultz presented his concerns as presented earlier.
- The City Council heard a comment submitted in advance of the meeting from Ms. Julie Guggemos who was in favor of the draft Utility Billing Insert Policy.
- Both Ms. Yvonne Maus and Ms. Nancy Fasching spoke in favor of the proposed Policy.

Mr. Martens stated that after the comments were heard, Mr. Schultz stated the Herald Journal would be willing to provide a Utility Billing Insert Policy that they would agree to and bring it to a future City Council meeting for the City's consideration. He further stated that it would be fair to both sides in preparing the content of the Policy they would establish. The City Council then directed the City Administrator, Mr. Martens to work with Mr. Schultz to establish a Policy.

Mr. Martens stated that after the August 21, 2012 Regular City Council meeting, he requested that Mr. Schultz come up with a Policy and present it to him prior to a City Council meeting.

Mr. Martens met with Mr. Schultz and Mr. Dale Kovar on Friday, September 14, 2012 to discuss the creation of a Policy. At that meeting, a Policy was not received and it was the opinion of the Herald Journal that they would not be in favor of any Policy approving the publishing of nongovernmental information. Mr. Martens referenced an electronic mail (e-mail) that he received from Mr. Schultz and Mr. Kovar outlining their aforementioned opinion.

Mr. Martens requested direction from the City Council on how to move forward. He continued by recommending that the City Council make a decision based upon weighing the benefit to the non-profit groups versus the negative of the competition to the Herald Journal. Mr. Martens stated that he does not have an opinion on which one is more important as it is a policy decision that needs to be made by the City Council.

Mr. Martens stated that he did inform Mr. Schultz and Mr. Kovar that the Utility Billing Insert Policy was on the agenda for tonight's meeting. Council Member Ollig stated that Mr. Schultz did contact him and he was unable to attend tonight's meeting due to a personal commitment. Council Member Quast stated that Mr. Schultz contacted her too and was sorry he could not attend the meeting.

Council Member Mochinski asked Mr. Martens if the Herald Journal was opposed to the proposed Utility Billing Insert Policy. Mr. Martens stated that is correct.

Council Member Mochinski stated that the Herald Journal is an important business in the City of Winsted that employs many people; so, it is important to keep the business going. He continued by stating that he struggles with this issue because the decision to not include information in the utility billing insert for some of the local organizations could adversely affect them because they do not have the funding available to pay for advertisement in the Herald Journal newspaper. Council Member Mochinski stated that many of the members of these important organizations volunteer to make the Winsted Community a better place to live. He continued by stating that these organizations make Winsted what it is today and if the City Council does not approve the Utility Billing Insert Policy, he believes that the City Council may be doing a disservice to the whole Community. This City was built on some of these volunteers.

Council Member Quast stated that she has talked to Mr. Schultz about this subject. She continued by stating that she feels that the City Council should support the local businesses in the City; but, she understands that the volunteers from the Community organizations are also important.

Council Member Quast stated that she did ask Mr. Schultz if the Herald Journal could reserve a section of the newspaper each week where the non-profit organizations can advertise their events and/or activities for free. She continued by stating that if the Herald Journal is willing to offer a section of the newspaper, free of charge for the non-profit organizations, then she would like the utility billing insert used only for government related information and functions of the City of Winsted.

Council Member Schulenberg stated that he did ask City staff if there has ever been an issue when printing information in the utility billing insert for some of the Winsted organizations and they responded that there has not been an issue in the past eight (8) years.

Council Member Schulenberg asked who does the printing of the utility billing inserts and how much does it cost the City. Mr. Martens stated that the City contracts with the Herald Journal to print the utility billing inserts and he would have to determine the total cost. He continued by stating that the space is limited and if an additional sheet is needed to include information from a Winsted organization, they pay for the cost of printing the additional sheet.

Council Member Ollig stated that he believes that the City should only publish information for City organizations; such as, Winsted Summer Festival and Winsted Holding Activities That Unite People (WHAT UP). He continued by stating that he does not believe that the City staff should be put in the position to determine what organization is a non-profit and whether their information should be included in the utility billing insert. The City should only include information in the utility billing insert that is related to government functions.

Mayor Stotko stated when Mr. Schultz was in attendance at the August 21, 2012 Regular City Council meeting, he said that he and Mr. Kovar would work with City staff to establish a Utility Billing Insert Policy and they have not done that and it is disappointing. He continued by stating that he would like the City Council to approve the Utility Billing Insert Policy and try it for three (3) to four (4) months.

Mayor Stotko stated that he believes the Utility Billing Insert Policy is fair.

Council Member Quast stated that the City Council just made a decision to support Kubasch Excavating, Incorporated and recently Waste Management and asked where the support is for the Herald Journal. Mayor Stotko stated that the support would be in approving the Utility Billing Insert Policy with a probation period of six (6) months.

Council Member Mochinski stated that the City pays the Herald Journal for printing the utility billing inserts; so, the City is supporting them. He continued by stating that the City is also supporting the non-profit organizations and that is important too.

Council Member Ollig stated that he is not saying that the City should not support the non-profit organizations. He is concerned at where does it stop and how does the City determine what organization can be included in the utility billing insert and what organization can not be included.

Council Member Mochinski stated that the City has eight (8) years of history that shows that it has been working; so, why should the City change it.

Council Member Schulenberg stated that he is disappointed that Mr. Schultz and Mr. Kovar did not work with City staff, as they agreed to, to establish a Policy.

Council Member Ollig stated that to be fair to Mr. Schultz and Mr. Kovar, maybe the Utility Billing Insert Policy should be tabled until a future City Council meeting. Council Member Quast was in agreement.

Council Member Quast motioned to table the approval of the Utility Billing Insert Policy. Council Member Ollig seconded the motion. Motion failed 2-3. Council Member Mochinski, Council Member Schulenberg and Mayor Stotko opposed.

Council Member Mochinski motioned to approve a Utility Billing Insert Policy. Council Member Schulenberg seconded the motion. Motion carried 3-2. Council Member Quast and Council Member Ollig opposed.

5) **No New Business.**

6) **Department Report**

a) **Public Works Department**

Jamie Stotko, Public Works Department, reported on the following:

- Treated the City's parks and other public areas for weeds.
- Addressed the high level of storm water in the Westgate Park area.
- Opened the City's parks, turned the water on to the park facilities and cleaned the park bathrooms.
- Installed the decorative business banners on McLeod County Road One (1).
- Planted flowers in the flower boxes and placed them throughout the downtown area.
- Trimmed tree branches and removed the downed branches after the strong wind storm.
- The Slurry Seal project was completed at the Winsted Municipal Airport.
- Installed and removed the American flags for holidays, Winstock Country Music Festival and the Winsted Summer Festival.
- Completed park inspections two (2) to three (3) times weekly throughout the summer months. Cleaned the park bathrooms and monitored garbage cans.
- Watered the newly installed sod around the Arrival/Departure (A/D) building at the Winsted Municipal Airport.
- Cleaned and/or repaired several storm sewer drains throughout the City.
- Continue to post "Water Shut-Off" notices and turn water off to City properties that have failed to pay their water/sewer bills.
- Repaired many runway lights at the Winsted Municipal Airport.
- Removed forty-five (45) dogwood bushes from the outfield at Campbell Baseball Field and reseeded the area.
- Painted all crosswalks throughout the City and parking lines in the downtown area.
- Installed the new park signs.
- Had the inside of the water tower cleaned.
- Addressed two (2) water main breaks on Westgate Drive.
- Assisted with the Winsted Summer Festival set-up and clean-up.
- Helped set-up for the August 14, 2012 Primary Election.
- Assisted with the Westgate Neighborhood Improvement Project.
- Built a bunker at the Wastewater Treatment Plant (WWTP) to hold dirt, gravel and red rock.
- Replaced sidewalks in the downtown area.

The City Council discussed the replacement of the Airport runway lights. They directed City staff to report the damaged and/or missing Airport runway lights to the Winsted Police Department.

Council Member Quast asked Mr. Jamie Stotko about the missing banners that are usually displayed on McLeod County Road One (1). Mr. Jamie Stotko stated that the banners are in the Public Works Department and they have not installed them because they will be putting up the Holiday banners soon.

Council Member Ollig asked if the Public Works Department has experienced any major vehicle repairs. Mr. Jamie Stotko gave a brief overview of the vehicle repairs that have been made.

7) No Organization Report.

8) Open Forum

a) Winsted Public Cemetery Board - Lenora Kubasch

Ms. Lenora Kubasch, Winsted Public Cemetery Board, addressed the City Council. She thanked the Winsted Public Works Department for assisting in cleaning up the brush from the cemetery grounds.

Ms. Kubasch asked the City of Winsted to assist in promoting the upcoming meeting of the Winsted Public Cemetery Board. Mr. Martens stated that the City would help inform the public of the upcoming meeting.

9) No Announcements.

10) Adjournment

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

The meeting was adjourned at 7:00 p.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Deborah R. Boelter

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