

City of Winsted
City Council Meeting
Council Chambers
Tuesday, April 1, 2014
6:00 p.m.

Present: Mayor Steve Stotko
Council Member Bonnie Quast
Council Member Tom Ollig
Council Member George Schulenberg
Council Member Max Fasching

Staff Present: Mr. Clay Wilfahrt, City Administrator
Ms. Deborah R. Boelter, City Clerk-Treasurer
Mr. Justin Heldt, Winsted Police Department Acting Chief

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

a) Minutes – City Council – Work Session – March 18, 2014

Accepted the minutes of the City Council Work Session of March 18, 2014.

b) Minutes – City Council – Regular Meeting – March 18, 2014

Accepted the minutes of the City Council Regular Meeting of March 18, 2014.

c) Downtown Vibrancy Commission Minutes – February 11, 2014

Accepted the minutes of the February 11, 2014 Downtown Vibrancy Commission Meeting.

d) Walk of Hope - St. Mary's Care Center

Approved the designated route for the St. Mary's Care Center's Walk of Hope, for Wednesday, May 14, 2014 starting at 6:30 p.m. as submitted to the Winsted Police Department.

e) Resolution R-14-10 - Donation – TDS Telecom

Adopted Resolution R-14-10 to accept a \$175.00 donation from TDS Telecom to be dedicated to the Winsted Police Department for the year 2014 Bike Rodeo.

f) City Hall Closed – April 18, 2014

Authorized the closing of City Hall on Friday, April 18, 2014 at 12:00 noon.

g) Appointment – Winsted Volunteer Fire Department

Appointed Mr. Jake Hertzog to the position of Volunteer Firefighter with the Winsted Volunteer Fire Department contingent upon passing a criminal background check and a drug and alcohol test.

h) Year 2013 Audit

Authorized the audit of the City of Winsted's financial statements for the year ending December 31, 2013 by Conway, Deuth and Schmiesing in an amount of \$29,750.

i) Claims

Approved the Claims List for April 1, 2014.

3) Public Hearings

a) Ordinance O-14-02 – Continuation of the Social Host Ordinance Public Hearing

Mr. Wilfahrt stated that at the March 4, 2014 City Council Work Session and at the Public Hearing held during the March 4, 2014 Regular City Council meeting, the City Council discussed the proposed Social Host Ordinance and directed staff to make some changes to the Ordinance.

Mr. Wilfahrt stated that he and Winsted Police Department Acting Chief, Mr. Justin Heldt, discussed the City Council's proposed changes with the City's Prosecuting Attorney, Ms. Jody Winters.

Mr. Wilfahrt stated that staff made the following changes to meet the requests of the City Council:

- ✓ Added the word ~~and~~ after the unlawful acts listed in section 1204.005. By adding the word ~~and~~, a person must be in violation of the provisions outlined in the aforementioned section for an act to be unlawful.
- ✓ Removed the language that stated *"A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible."*

The City's Prosecuting Attorney, Ms. Jody Winters, also a member of the McLeod County Zero Adult Provider (ZAP) Committee, was in attendance at the meeting.

Mayor Stotko asked for public comment and no public comment was received.

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

Council Member Fasching stated that he believes with the aforementioned changes to the proposed Social Host Ordinance, the Ordinance is now a better tool for the Winsted Police Department Officers to do their job.

Council Member Ollig stated that with the Social Host Ordinance, if an individual's parents are away from their residence and they are aware of a party taking place in their house, where alcohol is being served, then the parents are liable for any negative actions and/or consequences. However, if the parents are away from their residence and they are not aware of a party taking place in their house, where alcohol is being served, then the parents are not liable for any negative actions and/or consequences.

Ms. Winters stated that the parents would also have to know that there are underage individuals in attendance at the party.

Council Member Ollig motioned to adopt Ordinance O-14-02, an ordinance amending Chapter Twelve (12) of the Municipal Code of the City of Winsted concerning the prohibition and penalties for a person hosting an event or gathering where alcohol is consumed by persons under twenty-one (21) years of age. Council Member Schulenberg seconded the motion. Motion carried 5-0.

4) No Old Business.

5) New Business

a) Contingent Offer of Employment – Winsted Police Department - Chief of Police Position

Mr. Wilfahrt stated that staff has conducted two (2) rounds of interviews for the Winsted Police Department's Chief of Police position. The first round of interviews included five (5) candidates

interviewed by five (5) panelists; including two (2) City Council Members, a retired McLeod County Sheriff, the Winsted Volunteer Fire Department Chief, and the City Clerk-Treasurer. Following this initial round of interviews, one (1) candidate, Mr. Justin Heldt, was offered a second interview. Mr. Heldt was interviewed by the Mayor, the City Administrator, and the Public Works Maintenance Supervisor. This second panel of interviewers recommended Mr. Heldt to the City Council.

Mr. Wilfahrt stated that the next step in the process will be for the City Council to extend a contingent offer to Mr. Heldt. Mr. Wilfahrt presented a copy of the contingent offer. The contingencies will be that Mr. Heldt passes a background check, and a drug and alcohol test. That process is expected to take two to four (2-4) weeks. Considering this timeline, Mr. Heldt should be able to start in his role as Chief of Police sometime in May, 2014.

Mr. Wilfahrt stated that the contingent offer states that Mr. Heldt will start at step three (3) of the City's employee pay scale for the Chief's position. His eligibility for a step increase will be changed to the date of his hire to the Chief of Police position. Mr. Heldt is currently scheduled to receive a salary step increase in August, 2014. In August of 2014, Mr. Heldt would be at step eight (8) of the pay scale for a Police Officer. The difference between step eight (8) for a Police Officer and step three (3) for a Police Chief is \$2.17 per hour. Staff believes that the added responsibility of the job combined with Mr. Heldt's experience merits pay at step three (3) of the Chief of Police pay scale.

Mr. Wilfahrt stated that while this is a salary increase for Mr. Heldt, since the former Police Chief, Mr. Michael Henrich was at step eleven (11) of the pay scale, it is a reduction of \$6.20 per hour in salary for the position.

Council Member Schulenberg motioned to approve the contingent offer of employment letter to Mr. Justin Heldt for the position of the Winsted Police Department Chief. Council Member Fasching seconded the motion. Motion carried 5-0.

b) Data Practices Act Policy

Mr. Wilfahrt stated that in a recent review of the City's Policies, staff noticed that there is no policy for data practices, something that is required for the City to have.

Mr. Wilfahrt stated that the information in the proposed Data Practices Act Policy is verbatim from Minnesota State Statute; however, the City is required to have an approved Policy.

Mr. Wilfahrt stated that the Policy outlines what information is public, what information is private, and provides forms for individuals to complete when requesting private information. It also outlines costs to obtain information. Mr. Wilfahrt stated that the Policy makes it easier for staff to address any data requests; because, then all requests are handled uniformly and fairly.

Council Member Ollig motioned to approve a Data Practices Act Policy for the City of Winsted. Council Member Quast seconded the motion. Motion carried 5-0.

c) Policy and Procedures for Water/Sewer Billing Estimates and Unusually High Meter Readings

Mr. Wilfahrt stated that at the March 18, 2014 City Council Work Session, the City Council directed staff to bring back an amended version of the City's Excessive Water Use Policy to include language that would forgive of up to 10,000 gallons of water used by residents to avoid freezing water pipes. Initially it was stated that the residents would need to be in an area of the City that was prone to freezing; however, after the March 26, 2014 City Council Special Work Session the City Council gave staff further direction to amend the Excessive Water Use Policy to include the following:

1. The Public Works Department employees would need to go to the property owner's house or building to measure their water temperature to verify that it is at or below 39 degrees Fahrenheit and they need to run their water to avoid freezing water lines. As a result, the provision was removed that stated that the residents would need to be in a specific area of the City that was prone to freezing in order to receive a credit on their water and sewer account for running water.
2. Staff determined that it was not accurate to take the history of the property owner's water and sewer account from the same month in the year before to obtain their average water usage. Instead, staff agreed that it would be more accurate to take an average usage calculated from

previous months from the residents account, and then forgive charges up to 10,000 gallons above that amount.

3. The City Council also agreed that both the water and sewer usage should be forgiven for up to 10,000 gallons above their average usage and directed staff to amend the Policy to state, “*water and sewer usage.*”

Council Member Quast stated that if any property owner believes that their water is at or below 39 degrees Fahrenheit, and they want to receive a credit for running their water to avoid frozen water lines, they would have to contact the Public Works Department to have them come to their residence or place of business and verify the water temperature. Mr. Wilfahrt stated that this was correct.

Council Member Schulenberg asked how the aforementioned information would be conveyed to the public. Mr. Wilfahrt stated that the information would be presented on the City’s Facebook page and the City’s website for now. Mr. Wilfahrt continued by stating that in future years, the information will be presented to the public through the utility bill insert, the City’s Facebook page and the City’s website.

The City Council discussed and directed staff to put the information in the utility bill insert this year as well.

Council Member Quast motioned to amend the Policy and Procedures for Water/Sewer Billing Estimates and Unusually High Meter Readings to include language regarding water used to avoid freezing water pipes. Council Member Fasching seconded the motion. Motion carried 5-0.

6) Department Report

a) Winsted Volunteer Fire Department

Mr. Chad Engel, Winsted Volunteer Fire Department Chief, reported on the following:

- **Membership**
The Winsted Volunteer Fire Department (WVFD) currently has twenty-six (26) members. Two (2) of the twenty-six (26) members are on probationary status. One (1) member is on disciplinary probation.
- **Year-To-Date Emergency Calls**
Have responded to seventy (70) calls.
- **Repairs and Improvements to the Fire Station**
 - Pump fixed in the heating system.
 - Epoxy coat the apparatus bay floor.
 - Frost is causing the concrete and tar in the parking lot around the Fire Station to heave, crack and develop potholes.
- **Working with the City Administrator**
 - Addressing some personnel issues.
 - Required computer upgrades.
- **Emergency Drill – Winstock Country Music Festival**
 - Have been working with the Winsted Police Department’s Acting Chief, Mr. Justin Heldt, to schedule and plan the annual emergency drill for Winstock Country Music Festival.
 - The WVFD has received a \$1,000 donation from a Winsted resident and it will be used to fund the emergency drill.
- **125th Anniversary Celebration**
 - The WVFD members continue to work on the 125th Anniversary celebration.
 - The celebration will be taking place in September, 2014.

Council Member Quast asked if the WVFD has received any other applications for becoming a firefighter. Mr. Engel stated no.

Council Member Schulenberg asked that since it was determined that the installation of gutters on the Fire Station was not a feasible solution for removing excess water away from the building, has another solution been identified. Mr. Engel stated that a plan has to be developed that addresses the heaving concrete around the Fire Station and improvements to the parking lot.

Council Member Ollig asked if there were any equipment issues. Mr. Engel stated not at this time.

Council Member Ollig asked what the WVFD does to fight a fire when a fire hydrant is covered with snow. Mr. Engel stated they can haul water and/or they have enough hose to tap into another uncovered fire hydrant in the area.

- 7) **No Open Forum.**
- 8) **No Announcements.**
- 9) **Adjournment**

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

The meeting was adjourned at 6:25 p.m.

Steve Stotka

Steve Stotka
Mayor
City of Winsted

ATTEST:

Deborah R. Boelter

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