

City of Winsted  
City Council Work Session  
Lewis Room  
Tuesday, April 1, 2014  
5:00 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

### **I. Call to Order**

Mayor Stotko called the meeting to order at 5:00 p.m.

### **II. Social Host Ordinance**

Mr. Wilfahrt stated that at the March 4, 2014 City Council Work Session, the City Council recommended some changes to the proposed Social Host Ordinance.

Mr. Wilfahrt stated that staff made the following changes:

1. 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.
2. 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.”*

Mr. Wilfahrt stated that there will be a continuation of the Public Hearing for this item at tonight’s Regular City Council meeting.

Council Member Fasching asked Mr. Heldt if the changes to the proposed Social Host Ordinance will assist the Winsted Police Department Officers in doing their job. Mr. Heldt stated yes, that the proposed Ordinance is another tool for the Police Officers to use.

Council Member Fasching asked if the City’s Prosecuting Attorney, Ms. Jody Winters, also a member of the McLeod County Zero Adult Provider (ZAP) Committee, was in agreement with the aforementioned changes to the proposed Social Host Ordinance. Mr. Wilfahrt stated yes.

Mayor Stotko asked Council Member Fasching if he was satisfied with the changes that were made to the proposed Social Host Ordinance. Council Member Fasching stated that adding the word ~~and~~ gives the Police Officers a set of criteria to follow in the event that someone is in violation of the Social Host Ordinance.

The City Council discussed and were in agreement that the changes to the proposed Social Host Ordinance were acceptable.

Council Member Ollig thanked Mr. Wilfahrt and Mr. Heldt for taking the time to meet with Ms. Winters to discuss the concerns that the City Council had, and for implementing the changes to make it a better Ordinance.

### **III. 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. Staff anticipates receiving formal requests from at least one (1) person in regards to the City’s hiring process for the Winsted

Police Department's Chief of Police position. Staff recommends that a Policy be passed as soon as possible to deal with any requests.

Mr. Wilfahrt presented a draft Data Practices Act Policy provided by the City's Employment Attorney, Ms. Kelly Dohm, of Melchert Hubert Sjodin, Professional Limited Liability Partnership (PLLP).

Mr. Wilfahrt stated that one (1) amendment has been made to the proposed Data Practices Act Policy after the City Council received their meeting packet of information. The amendment is in regards to *Benefit Data*. He continued by presenting a copy of the amendment for the City Council to review.

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 forms to request 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.

Mr. Wilfahrt stated that the City staff has reviewed the proposed Data Practices Act Policy and is satisfied with it. The proposed Policy will be presented at tonight's Regular City Council meeting.

Mayor Stotko asked Mr. Wilfahrt when the City staff began preparing the proposed Data Practices Act Policy. Mr. Wilfahrt stated that the City started consulting with Ms. Dohm in the early part of February, 2014 to prepare the Policy.

Ms. Boelter stated that it will be beneficial for the City staff to have the proposed Policy in place to serve as a uniform guide in addressing any data requests.

Mr. Heldt stated that data practices is an issue for Police Departments; so, having the proposed Data Practices Act Policy is important.

The City Council discussed and were in agreement with the approval of the proposed Data Practices Act Policy.

#### **IV. Excess Water Use Policy**

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. The City Council agreed that the residents would need to be in an area of the City that was prone to freezing, and they would need to let City staff know that they were running their water to avoid freezing pipes.

Mr. Wilfahrt stated that at 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 below 35 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.

The City Council discussed the required water temperature of below 35 degrees Fahrenheit for the approval of a property owner to run their water to avoid the water line from freezing. The City

Council wanted the Excessive Water Use Policy amended to state that the water temperature should be, "at or below 39 degrees Fahrenheit."

The City Council discussed if both the water and sewer usage should be forgiven. They 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."

The City Council directed staff to purchase two (2) thermometers and have them available at City Hall for property owners to use to measure their water temperature.

## V. Other

### a) City Hall Closed - April 18, 2014

Mr. Wilfahrt stated that in the past, the City Council has approved the closing of City Hall at 12:00 noon on the Friday before the Easter holiday.

Mr. Wilfahrt stated that the approval for the closing of City Hall at 12:00 noon on Friday, April 18, 2014 is on the Consent Agenda at tonight's Regular City Council meeting.

Mr. Wilfahrt asked the City Council if they had any questions regarding the closing of City Hall at 12:00 noon on Friday, April 18, 2014. The City Council members did not have any questions.

### b) Ms. Deborah Boelter – Certified Municipal Clerk

Mr. Wilfahrt stated that Ms. Boelter obtained her advanced certification as a Certified Municipal Clerk (CMC) from the International Institute of Municipal Clerks (IIMC).

Mr. Wilfahrt stated that Ms. Boelter's Employment Letter states that once she receives her CMC, \$1,000 will be added to her annual salary. He continued by stating that approval for the increase will be on the Consent Agenda at the April 15, 2014 Regular City Council meeting.

### c) 221 – 1<sup>st</sup> Street South – Frozen Water Line

Mr. Wilfahrt gave a brief update on what the Public Works Department is doing to assist Mr. Tom Specken, 221 . 1<sup>st</sup> Street South, to rectify his frozen water line.

### d) 230 – 2<sup>nd</sup> Street South – Frozen Water Line

Council Member Ollig asked if City staff has contacted Ms. JoEllen Fasching, 230 . 2<sup>nd</sup> Street South. Mr. Wilfahrt stated that staff has remained in contact with Ms. Fasching's landlord and they want to wait to see what happens with Mr. Specken's water line before proceeding to rectify their frozen water line.

## VI. Adjourn

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

The meeting was adjourned at 5:30 p.m.

*Steve Stotka*

Steve Stotka  
Mayor  
City of Winsted

ATTEST:

*Deborah R. Boelter*

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