

City of Winsted  
City Council Meeting  
Council Chambers  
Tuesday, October 15, 2013  
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. Mike Henrich, Winsted Police Department Chief  
Mr. Justin Heldt, Winsted Police Department Officer  
Mr. Dan Pohl, Winsted Police Department Officer  
Mr. James Lammers, Winsted Police Department Officer

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

**a) The Pledge of Allegiance was taken.**

**b) Agenda Amendment**

**Council Member Fasching motioned to remove the following item from the City Council Regular Meeting Agenda:**

***New Business: d) Grading Site near Denis M. Campbell Baseball Field for a Skating Rink.***

**Council Member Schulenberg seconded the motion. Motion carried 5-0.**

**2) Consent Agenda**

**Council Member Ollig 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 17, 2013**

Accepted the minutes of the City Council Work Session of September 17, 2013.

**b) Minutes – City Council – Regular Meeting – September 17, 2013**

Accepted the minutes of the City Council Regular Meeting of September 17, 2013.

**c) Minutes – City Council – Work Session – October 1, 2013**

Accepted the minutes of the City Council Work Session of October 1, 2013.

**d) Minutes – City Council – Regular Meeting – October 1, 2013**

Accepted the minutes of the City Council Regular Meeting of October 1, 2013.

**e) Minutes – Downtown Vibrancy Commission – September 10, 2013**

Accepted the minutes of the September 10, 2013 Downtown Vibrancy Commission Meeting.

**f) Appointment – Mr. James Lammers – Full Time Police Officer – Winsted Police Department**

Authorized the hiring and appointment of Mr. James Lammers as a full-time Winsted Police Department Officer at \$17.96 per hour with three (3) years of vacation eligibility.

**g) Resolution R-13-24 – Authorizing the City Administrator to Investment Account**

Adopted Resolution R-13-24 authorizing the City Administrator, City Clerk or any duly appointed deputy to act on behalf of the City with respect to investments accounts.

**h) Winsted Municipal Airport Commission Resignation – Mr. Glenn Weibel**

Accepted Mr. Glenn Weibel's resignation from the Winsted Municipal Airport Commission.

**i) Yard Waste Funding Agreement – McLeod County**

Approved the year 2014 Yard Waste Funding Agreement with McLeod County.

**j) Security Bank & Trust Company – Pledged Securities**

Approved the Pledged Securities that Security Bank & Trust Company has purchased for the City of Winsted for the month of September, 2013.

**k) Claims**

Approved the Claims List for October 15, 2013.

**3) No Public Hearings.**

**4) No Old Business.**

**5) New Business**

**a) Oath of Office – Mr. James Lammers – Winsted Police Department**

Mr. Mike Henrich, Winsted Police Department Chief, addressed the City Council in regards to Mr. Lammers positive work performance and dedication to the Winsted Police Department as a part-time Police Officer.

Mayor Stotko administered the *Oath of Office* to Mr. Lammers as he agreed to become a full-time Winsted Police Department Officer.

Mr. Lammers' fiancé, Ms. Ann Weiers, pinned Mr. Lammers' badge onto his uniform.

**b) Liquor License Violation – Casey's General Store**

Mr. Wilfahrt stated that at 6:27 p.m. on April 19, 2013, an informant working with the Winsted Police Department was sent into Casey's General Store, 240 - 6<sup>th</sup> Street North, to attempt to purchase an alcoholic beverage.

The informant left the store with a twelve (12) pack of Coors Light. The informant stated that he was sold the beer by a male employee by the name of Jordan. Upon questioning, Mr. Jordan Wolfe, a cashier at Casey's, admitted that he sold the twelve (12) pack of Coors Light to the informant. Mr.

Wolfe was cited for a Gross Misdemeanor of Selling Alcohol to a Person under Twenty-One (21) years of age. Mr. Wolfe pled guilty to the charge on September 10, 2013.

Mr. Wilfahrt stated that the City's Liquor Ordinance outlines minimum periods of suspension and revocation to be imposed by the City Council of violations of the code or Minnesota Statute Chapter 340A. Minnesota Statute Chapter 340A states:

**Subdivision Two (2) Purchasing.**

*It is unlawful for any person: (1) to sell, barter, furnish, or give alcoholic beverages to a person under twenty-one (21) years of age;*

Mr. Wilfahrt stated that the City's Liquor Ordinance states the minimum punishment for a first-offender as:

1. The license shall be suspended by the City Council after a finding under division (A) that the licensee has failed to comply with any applicable statute, rule, or provision of this chapter for at least the minimum periods as follows:
  - a. *For the first violation within any three (3) year period, at least a one (1) day suspension and a \$500 fine.*
2. The suspension shall be served on consecutive days beginning on the same day of the week that the violation occurred.

Mr. Wilfahrt stated that at a recent Work Session, the City Council expressed an interest in allowing Casey's General Store to select a day to close its liquor operations, rather than forcing them to do so on the same day as the violation, which would be a Friday. The City may use its powers under Minnesota State Statute 14.59 to resolve the matter by agreement of the City Council. This means that the City can impose a punishment that does not meet the minimum punishments listed above. If the City Council chooses, it can allow Casey's General Store to select a day to close its liquor sales.

Mr. Wilfahrt presented the following options for the City Council to consider:

1. Require Casey's General Store to serve a one (1) day suspension of its liquor license on a day of its choosing and pay a \$500 fine.

Mr. Wilfahrt stated that he is recommending that the City Council suspend the Liquor License of Casey's General Store on a date selected by Casey's General Store and require Casey's General Store to pay a \$500 fine to the City of Winsted.

2. Require Casey's General Store to serve a one (1) day suspension of its liquor license on a Friday and pay a \$500 fine.
3. Require Casey's General Store to serve a suspension of its liquor license for a different time period up to sixty (60) days and pay a fine of a minimum of \$500.

Mr. Henrich addressed the City Council and stated that Casey's General Store and Mr. Wolfe have been cooperative through the entire investigation process.

Mr. Henrich recommended that the City Council consider amending the Liquor Ordinance; so, it follows the punishment imposed by the City Council to the City's liquor establishments when they violate the Ordinance.

Council Member Ollig stated that the City Council has discussed an amendment to the Liquor Ordinance.

**Council Member Ollig motioned to suspend the Liquor License of Casey's General Store on a date selected by Casey's General Store and require that Casey's General Store pay a \$500 fine to the City of Winsted. Council Member Schulenberg seconded the motion.**

Ms. Nancy McNab, District Manager for Casey's General Store, addressed the City Council. Ms. McNab presented the City Council with a copy of the *Policies and Procedures of Casey's Retail Company with Regard to the Sale of Age-Restricted Products*.

Ms. McNab gave an overview of the employee training and procedures that Casey's Retail Company has in place in regards to the sale of age-restricted products; such as, alcohol and tobacco. Ms. McNab stated that when this type of violation takes place, the employee is fired immediately.

**Motion carried 4-1. Mayor Stotko opposed. Mayor Stotko stated that he is opposing the motion because the City Council is not following the punishment for a liquor violation as outlined in the City's Liquor Ordinance.**

**c) Purchasing Policy Amendment**

Mr. Wilfahrt stated that staff was directed by City Council consensus at the September 17, 2013 Work Session to move forward with a formal proposal to purchase a generator for the Littfin Lift Station. After reviewing the City's *Purchasing Policy*, staff learned that any purchase greater than \$50,000 needs to go through the formal bidding process. Since the generator will exceed the \$50,000 amount, staff would need to put the project out for bid prior to final Council consideration.

Mr. Wilfahrt stated that in the past several years, the State of Minnesota has changed the requirements on bidding procedures and now allows cities to make purchases of up to \$100,000 before requiring a formal bidding process. While a bidding process does insure that due diligence has been completed prior to a purchase, it also delays purchases and requires a significant amount of staff or consultant time adding costs to any purchase over \$50,000.

Mr. Wilfahrt stated that purchases between \$5,000 and up to \$50,000 currently require three (3) quotes and final approval by the City Council. At the October 1, 2013 Work Session, the City Council discussed changing the *Purchasing Policy* to require three (3) quotes and City Council approval for purchases up to \$100,000, and purchases of \$100,000 or greater requiring a formal bidding process to be consistent with Minnesota State Statute. The City Council directed staff to bring a formal proposal to the City Council for consideration at the October 15, 2013 Regular City Council meeting.

Mr. Wilfahrt stated that staff also learned that on September 4, 2012 when the City Council approved an amendment to the City's *Credit Card Policy* to allow the Winsted Volunteer Fire (WVFD) Department Chief to have a credit card, the *Purchasing Policy* was not updated to reflect this same change. The proposed amended *Purchasing Policy* has included the WVFD Chief in the list of people who can have and use a City credit card.

**Council Member Fasching motioned to approve the amendments to the City's Purchasing Policy. Council Member Ollig seconded the motion. Motion carried 5-0.**

**d) Grading Site near Denis M. Campbell Baseball Field for a Skating Rink – REMOVED.**

**6) Department Report**

**a) Waste Management**

Mr. Mike Donnelly, Waste Management, reported on the following:

- June, 2013 to September, 2013 . the City of Winsted has disposed of 195.4 tons of garbage. This equated to approximately 135 pounds of garbage disposed of per household per month.
- Customer billing transfer from being administered by the City of Winsted to Waste Management has gone smoothly.
- The increased number of recycled materials with single sort recycling.
- Proposed facility expansion and improvement plans.

**7) Howard Lake-Waverly-Winsted School District**

**a) Howard Lake-Waverly-Winsted School District**

Ms. Felicia Votava, Howard Lake-Waverly-Winsted (HLWW) High School Student, reported on the following:

- 307 students have enrolled in the high school for the 2013 and 2014 school year. Enrollment has increased from the previous school year.
- The high school freshman all received laptops and it is going well.
- A new attendance policy was implemented this school year. It is a stricter policy and limits the amount of time students are allowed to be gone from school.
- In September, 2013 juniors visited the College Fair.
- Homecoming, 2013 had a large participation from students.
- Homecoming, 2013 King was Mr. Ryan Gailey from Winsted.
- Homecoming, 2013 Queen was from Waverly, Minnesota.
- Cheer Club has started again this school year and is having a positive effect on school spirit.
- The Minnesota State school rankings were just released and are based on test scores, grade ranks, student growth and achievement gaps. The HLWW School District had a ninety-two percent (92%) rating which means they are in the top ten percent (10%) of Minnesota schools.
- Upcoming Events:
  - October, 2013 . Students Against Destructive Decisions (SADD) are having a Bully Awareness Month+and conducting activities related to the prevention of bullying.
  - October, 2013 - Parent and teacher conferences were held.
  - Athletic play-offs will be starting soon.
  - Fourteen (14) students from the HLWW Future Farmers of America (FFA) will be attending the national conference.
  - November 5, 2013 will be the HLWW School District referendum.
  - The high school seniors will be attending the musical "Fiddler on the Roof" at the Chanhassen Dinner Theater.

The City Council thanked Ms. Votava for her report.

**8) No Open Forum.**

**9) No Announcements.**

**10) Adjournment**

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

The meeting was adjourned at 6:27 p.m.

*Steve Stotko*

Steve Stotko  
Mayor  
City of Winsted

ATTEST:

*Deborah R. Boelter*

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