

City of Winsted
City Council Work Session
Lewis Room
Tuesday, December 3, 2013
5:00 p.m.

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

Absent: Council Member Max Fasching

Staff Present: Mr. Clay Wilfahrt, City Administrator
Ms. Deborah R. Boelter, City Clerk-Treasurer

I. Call to Order

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

II. Cell Phone Policy

Mr. Wilfahrt stated that City staff has been working on compiling information regarding an update to our Cell Phone Policy to make it more suitable for both personal and professional use. To be consistent with advice from the League of Minnesota Cities (LMC), and to protect against misuse of City equipment, staff is recommending that the Cell Phone Policy be rewritten to provide a reimbursement to staff for cell phones in the amount needed for staff to use the phones for business use.

Mr. Wilfahrt stated that currently phones are provided to staff members who, according to the City's Policy, are allowed to use the phones for personal use. He continued by stating that he discussed the proposed Cell Phone Policy amendments with staff and after recommending the reimbursement structure, there was an overwhelmingly positive position on the change.

Mr. Wilfahrt stated that the proposed amendments to the Policy would allow staff to utilize their cell phone more freely as a personal device without violating the City's Technology Policy. For instance, the current Policy states that downloading software to City equipment is prohibited without the approval of a Department Head. The Technology Policy also prohibits the use of City equipment by anyone other than the staff person to which it was issued. Both provisions make sense for City equipment, but both also present challenges for personal use of a cell phone.

Mr. Wilfahrt stated that staff is proposing that the City's employees who require a data plan for their cell phone would receive a \$40 monthly reimbursement and the employees who do not require data would receive a \$30 monthly reimbursement. City staff would need to provide their own cell phone device at the employees' cost. He continued by stating that not providing cell phones for staff limits the City's financial liability.

Mr. Wilfahrt stated that staff has identified a need for the City's Public Works Maintenance Supervisor, one (1) Public Works employee, and all of the Winsted Police Department's Officers to have access to electronic mail (e-mail) while out of the office and off duty. Doing this would provide a cell phone data plan to five (5) more employees. Mr. Wilfahrt stated that providing a reimbursement with the addition of data to five (5) cell phone plans would cost the City \$4,200 annually. The City spent \$3,976 in the year 2012 on cell phones and has \$4,500 budgeted for year 2014.

Mr. Wilfahrt stated that the Winsted Police Department would have a pre-paid cell phone available at the Police Department for emergency purposes in the event of a malfunction of one (1) of their Officers' cell phones. The aforementioned cell phone would also have prepaid minutes available. The total cost of having a backup cell phone would be roughly \$20 annually.

Mr. Wilfahrt presented a draft of the proposed Cell Phone Policy.

The City Council discussed and directed Mr. Wilfahrt to remove the sentence from the proposed Cell Phone Policy that states, *“If the employee’s monthly cost for work-related charges frequently exceeds the stipend, the department head may request an increase in the monthly allowance to cover a plan with more airtime or reevaluate the employee’s use of the cell phone.”* The City Council also agreed that the monthly stipend should be \$30 for a basic cell phone plan and \$40 for a smart cell phone data plan; and that they review the Policy again in the year 2014.

The City Council also directed Mr. Wilfahrt to add a sentence to the proposed Cell Phone Policy that addresses an employee’s proper use of their cell phone while they are working in regards to the requirements outlined in the City’s Technology Policy.

III. Vollmer Room Use Policy

Mr. Wilfahrt stated that the City allows the use of the City Hall’s Vollmer Room to individuals and organizations throughout the Winsted Community and area. It is being used frequently by a number of organizations including:

- Once per month by:
 - Winsted Lake Watershed Association
 - Winsted Township
 - Security Bank and Trust Company - Senior Club
 - Winsted Lions Club
- Twice per month by the Winsted Boy Scouts
- Once per week by the Senior Card Club
- On an occasional basis by:
 - Winsted Holding Activities that Unite People (WHAT UP)
 - Winsted Public Library
 - Winsted Arts Council
 - Winsted Boy Scouts (in addition to the meetings they have twice per month.)
 - Winsted Summer Festival Committee
 - Winsted Area Chamber of Commerce
 - Howard Lake, Waverly, Winsted School District
 - Winsted Girl Scouts

Mr. Wilfahrt stated that in addition to the above uses, there have been twenty-nine (29) paid rentals of the facility in the past five (5) years.

Mr. Wilfahrt stated that at a past City Council Work Session, the City Council inquired about which groups were allowed to utilize the Vollmer Room free of charge and also asked why other groups are unable to use the Vollmer Room without a charge. He continued by stating that when staff began researching the City Council’s questions, it uncovered a deeper issue.

Mr. Wilfahrt stated that the current Vollmer Room Use Policy allows certain groups to use the room free of charge because they have ~~similar goals~~+to the City of Winsted; however, similar goals are not defined in the Policy.

Mr. Wilfahrt stated that in an e-mail that he received from a LMC Attorney, Mr. Jacob Saufley, he indicated that the Vollmer Room Policy is vague and subjective. Mr. Saufley stated that the policy *“is very vague and leaves a lot of room for discrimination.”* Because of the lack of a definition of ~~similar goals~~+, and the fact that the groups selected for free use do not represent a pattern, it makes the definition of the law impossible to discern; therefore, the law is unconstitutionally vague.

Mr. Wilfahrt stated that Mr. Saufley further indicated that the City can restrict who can use the Vollmer Room; but, it must be based on content neutral provisions. A content neutral provision would be a rule or requirement that is not based on the content of the organization. Restricting who can use the Room on the type of organization is a violation of free speech. For instance, the Policy could not exclude groups representing a specific political party because that would be restricting use on political expression, therefore, violating the First (1st) Amendment.

Mr. Wilfahrt stated that after speaking with the City Attorney, Mr. Fran Eggert, several options for the City Council to consider were established:

Option One (1):

Mr. Wilfahrt stated that the City Council could amend the Vollmer Room Policy to allow all residents, non-profit organizations and government entities to use the Vollmer Room. Currently there are groups such as the Senior Card Club, Boy and Girl Scouts, Lions Club, and private wedding shower parties that utilize the Vollmer Room. It would be very difficult to craft content neutral provisions that would allow these groups to continue to use the Room without allowing everyone or nearly everyone to use the Room. This option would allow all of these groups to continue to use the Vollmer Room.

Mr. Wilfahrt stated that Option One (1) also presents several challenges. Increased use of the Vollmer Room deteriorates the facility more quickly. Maintenance and cleaning costs will be more expensive, and allowing everyone to use the room limits the time it is available for City functions, potentially creating scheduling conflicts. Further, allowing the use of the Room in this manner means that even extreme and undesirable groups can use the facility with no legal recourse for the City. For these reasons, staff does not recommend Option One (1).

Option Two (2):

Mr. Wilfahrt stated that Option Two (2) only allows the City to use the facility. This is the converse of the Option One (1). It would limit the wear and tear on the facility and remove the risk of an undesirable group from using the Vollmer Room. He continued by stating that Option Two (2) would remove every group other than the City from utilizing the facilities. Since there are other groups directly affiliated with the City, as well as other government organizations who utilize the Vollmer Room, staff believes that there are content neutral provisions that could be in place to be slightly more inclusive. Because of the exclusiveness of Option Two (2), staff does not recommend it.

Option Three (3):

Mr. Wilfahrt stated that staff could create content neutral rules to be selective as to who can use the Vollmer Room. After speaking with the City Attorney, Mr. Eggert, staff came up with the following:

"The room shall only be available to groups that are directly financed, managed or established by the City of Winsted, or other local, county, state or federal government entities. The room shall not be used for private (whether for profit or non-profit) organizations, or religious organizations. The room shall not be used for any other activity not consistent with the general purpose of the use of a city hall."

Mr. Wilfahrt stated that Option Three (3) would allow groups that receive funding from the City, such as WHAT UP, the Winsted Lake Watershed Association, and others to continue to use the Vollmer Room. It would also allow other government organizations such as Winsted Township and area schools to use the room. It would limit the wear and tear on the facility, and eliminate the possibility of an undesirable group utilizing the Vollmer Room.

Mr. Wilfahrt stated that Option Three (3) would present some challenges as well. The Boy and Girl Scouts, Senior Card Club, and the Winsted Lions Club would no longer be able to use the Vollmer Room. Residents would not be allowed to use the Room. Limiting these groups may cause concern among residents because property taxes pay for the facility, and those paying the property taxes may not be able to use the facility in any manner they choose.

Mr. Wilfahrt stated that staff's position is to select Option Three (3). While it does have some downsides, it seems to have the smallest downside while also remaining somewhat inclusive. Staff would also advise against a Policy that provides an opportunity for an undesirable group to utilize the Vollmer Room under their First (1st) Amendment rights.

The City Council discussed the proposed Vollmer Room Use Policy and agreed to table further discussions to a future City Council Work Session when Council Member Fasching is present.

The City Council also directed Mr. Wilfahrt to contact other area cities to inquire about what policies they have in regards to the use of their community facilities.

IV. Winsted Police Department Vehicle

Mr. Wilfahrt stated that the Winsted Police Department uses a schedule to replace their vehicles every four (4) years. Generally vehicles are replaced well before they reach 100,000 miles. Since the addition of a third (3rd) squad to the Police Department, a six (6) year schedule has been established.

Mr. Wilfahrt stated that the Winsted Police Department would like to solicit quotes for a new squad vehicle. The squad car proposed to be replaced is a 2007 Ford Crown Victoria with 110,000 miles. Most of the miles are from in-town driving which creates increased wear and tear on the vehicle's engine. The aforementioned squad car was scheduled for replacement this year, 2013. The old squad car will be traded in at the time of purchasing a new vehicle.

Mr. Wilfahrt stated that if the City Council is in agreement that the Winsted Police Department can take the steps to purchase a new squad vehicle, staff would like to solicit quotes from three (3) local car dealerships. Ideally, the quotes will be reviewed and one (1) would be approved in January, 2014, with the new vehicle in use by the end of March, 2014.

Mr. Wilfahrt stated that staff will receive quotes for a Ford Sport Utility Vehicle (SUV). This is the same type of SUV the Winsted Police Department currently has. The current vehicle has been reliable, maneuvers well in the snow, provides good visibility, provides room to store equipment and bigger passengers, and it gets four (4) to six (6) miles per gallon better gas mileage than the current vehicle. The last time vehicles were quoted for the Winsted Police Department, the SUV was less expensive than the Ford Taurus squad car.

Mr. Wilfahrt stated that the Capital Improvement Fund for Winsted Police and Public Works Departments has a balance of \$157,412.

The City Council discussed and directed Mr. Wilfahrt to have Winsted Police Department Chief, Mr. Mike Henrich, proceed with soliciting three (3) quotes for a new squad vehicle.

V. Winsted Volunteer Fire Department Officers

Mr. Wilfahrt stated that on November 12, 2013, staff interviewed six (6) candidates for six (6) Winsted Volunteer Fire Department (WVFD) Officer positions. The candidates were asked four (4) questions by a panel comprised of two (2) WVFD members, a City Council member, the Mayor, a Winsted Police Department Officer, and the City Administrator. The aforementioned panelists interviewed and scored each of the candidates. Several of the candidates applied for multiple positions meaning that the panel's scores determined who was recommended for each position.

Mr. Wilfahrt stated that none of the firefighters applied for the Ladder Captain position. Additionally, after talking to the WVFD Chief, Mr. Chad Engel, the Ladder Captain position has too narrow of a focus for the Department, and Chief Engel's recommendation would be to change the Ladder Captain position to Third (3rd) Captain. Mr. Wilfahrt stated that Mr. Engel did present the proposed Third (3rd) Captain position to the WVFD at their monthly meeting on Monday, December 2, 2013 and the members were in favor of changing the Ladder Captain position to the Third (3rd) Captain position.

Mr. Wilfahrt presented a draft copy of the Position Description for the Third (3rd) Captain.

Mr. Wilfahrt stated that based on the scores of the panelists, staff recommends the following for WVFD Officers:

- ✓ Chief . Mr. Chad Engel
- ✓ First (1st) Assistant Chief . Mr. Brian Langenfeld
- ✓ Second (2nd) Assistant Chief . Mr. Jonathan Davidson
- ✓ First (1st) Captain . Mr. Brent Mickolichek
- ✓ Second (2nd) Captain . Mr. Shaun Bush
- ✓ Third (3rd) Captain . Mr. Troy Scherping

The WVFD's Budget includes a small salary for each Officer. This amount will remain the same with the hiring of these individuals.

The City Council discussed and agreed that Mr. Wilfahrt should put the aforementioned WVFD Officer positions on the December 17, 2013 Regular City Council meeting agenda for approval.

VI. Computer Updates

Mr. Wilfahrt stated that the City's Information Technology (IT) Consultant, Mr. Steve Williams, recently made staff aware that a number of computers in City Hall are outdated and still operate with Windows XP. As of April 8, 2014, Windows XP will no longer receive security updates. Because Windows XP will no longer receive automatic updates, it will be much more vulnerable to security threats and viruses. Due to the sensitive nature of some information contained on the City's network, having such security risks is unacceptable.

Mr. Wilfahrt presented a quote provided by Mr. Williams detailing the costs for replacement of all eight (8) of the computers that operate Windows XP. Mr. Williams recommended replacing the computers rather than installing new software because a number of the computers that currently operate Windows XP are due or nearly due for replacement. Mr. Wilfahrt stated that installing new operating systems in computers that will only last for a short period of time does not make financial sense, and Mr. Williams also indicated that the computers are old enough that they could encounter problems if the new operating system were installed.

Mr. Wilfahrt presented the list of computers that will need to be replaced.

Mr. Wilfahrt stated that following the advice of Mr. Williams, staff asked him to put together a quote for replacement of the computers. The quote would include one (1) new laptop and docking station for an Administrative Assistant who needs mobility for minute taking, seven (7) desktop computers with five (5) monitors, and six (6) copies of Microsoft Office. The quote for everything totals \$8,594.05.

Mr. Wilfahrt stated that after January 1, 2014, a number of items become exempt from sales tax for local governments including office equipment provided for a number of city services. Should the City Council direct staff to move forward with the quote, staff will place it on the agenda for the first City Council Regular meeting in January, 2014. By waiting until the sales tax exemption is in effect, the City will save \$552.83. The total would be \$8,041.22 without tax, and that amount will come out of the City's Cable Fund.

Mr. Wilfahrt stated that the Cable Fund has a current balance of \$33,190.82, and with this purchase, the Fund would have a balance of \$25,149.60. The Cable Fund is used for technology purchases, and generates about \$15,000 in revenue annually.

The City Council discussed and directed Mr. Wilfahrt to proceed with purchasing the new computers in January, 2014.

VII. Other

a) Request to Close City Hall - December 23, 2013

Mr. Wilfahrt requested City Council approval to close City Hall on Monday, December 23, 2013 and allow City staff to use their sick time to take the day off.

The City Council discussed and directed Mr. Wilfahrt to put the approval to close City Hall on Monday, December 23, 2013 on the December 17, 2013 Regular City Council meeting's Consent Agenda.

b) Resolution R-13-26 – Petition of Annexation for Dollar General

Mr. Wilfahrt stated that Resolution R-13-26 has been added to the December 3, 2013 Regular City Council meeting's Consent Agenda for approval.

Mr. Wilfahrt stated that Resolution R-13-26 is accepting a petition of owner to annex certain lands located in Section Ten (10), Township 117 North of Range Twenty-Seven (27) West for the proposed Dollar General facility. He continued by stating that the

Resolution is not approving the annexation; however, it is giving the City the authority to continue with the process to annex the aforementioned property.

c) Winsted Municipal Airport – Open Forum

Mr. Wilfahrt stated that he has received some complaints from various Winsted Municipal Airport hangar owners and there will be one (1) of the hangar owners in attendance at the December 3, 2013 Regular City Council meeting to address the City Council regarding these complaints under the Open Forum section of the agenda.

d) Single Sort Recycling

Mayor Stotko asked the City Council members to contact him if one (1) of them would like to attend the McLeod County meeting on Single Sort Recycling with him on Thursday, December 5, 2013.

e) Winsted Municipal Airport – Purchase Request

Mayor Stotko stated that he was contacted by an individual from the state of Wisconsin who was interested in purchasing the Winsted Municipal Airport.

The City Council discussed and agreed that they were not interested in selling the Airport.

f) Winsted Volunteer Fire Department – December 2, 2013 Monthly Meeting

Mayor Stotko stated that he attended the Winsted Volunteer Fire Department's December 2, 2013 monthly meeting. They discussed attendance requirements.

VIII. Adjourn

Council Member Ollig motioned to adjourn the meeting. Council Member Quast seconded the motion. Motion carried 4-0.

The meeting was adjourned at 5:52 p.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Deborah R. Boelter

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