

City of Winsted
City Council Meeting
Council Chambers
May 18, 2010
6:00 p.m.

Present: Mayor Steve Stotko
Council Member Tom Ollig
Council Member Bonnie Quast
Council Member Tom Wiemiller
Council Member Dave Mochinski

Staff Present: Deborah R. Boelter, City Clerk-Treasurer
Fran Eggert, City Attorney
Mike Henrich, Chief of Police
Dave Meyer, Maintenance Lead
Jamie Stotko, Maintenance Lead
Jim Lammers, Police Officer

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

a) The Pledge of Allegiance was taken.

2) Consent Agenda

Ollig motioned to adopt the Consent Agenda as presented. Mochinski seconded. Motion carried 5-0.

a) Minutes - City Council Retreat – April 29, 2010

Accepted the minutes of the City Council Retreat of April 29, 2010.

b) Minutes – City Council Work Session – May 4, 2010

Accepted the minutes of the City Council Work Session of May 4, 2010.

c) Minutes – City Council Regular Meeting – May 4, 2010

Accepted the minutes of the City Council Regular Meeting of May 4, 2010.

d) Sidewalk Construction - Main Avenue West

Authorized Birkholz Concrete to perform a sidewalk construction project on the north side of Main Avenue West for \$13,819 as recommended for approval by the Park Commission.

e) Boiler Maintenance Agreement – Johnson Controls

Entered into a one (1) year Boiler Maintenance Agreement with Johnson Controls for \$1,990.

f) Administrative Bond Fee – Resolution R-10-15

Adopted Resolution R-10-15 setting a one percent (1%) administrative fee for the issuance of private activity revenue bonds.

g) Licenses to Sell Tobacco Products and Tobacco Related Devices

Approved licenses to sell Tobacco Products and Tobacco Related Devices from July 1, 2010 through June 30, 2011 for the following:

Casey's General Store #1673
240 – 6th Street North

G & J Foods, Incorporated
491 Main Avenue West

Hussong's Liquor
132 – 6th Street North

J & N Schlagel Enterprises II
The Blue Note Ballroom
320 – 3rd Street South

The Woods Group
Keg's Bar
121 – 1st Street North

Big Al's Bar and Grill
591 Main Avenue West

h) Liquor Licenses

Approved the Off Sale, On Sale, and Sunday Liquor Licenses from July 1, 2010 through June 30, 2011 for the following:

J & N Schlagel Enterprises II
The Blue Note
320 – 3rd Street North

The Corner Bar & Grill of Winsted
111 – 1st Street North

The Woods Group
Keg's Bar
121 – 1st Street North

Hussong's Liquor – Off Sale Only
132 – 6th Street North

Big Al's Bar and Grill
591 Main Avenue West

Approved the On Sale Club Liquor License from July 1, 2010 through June 30, 2011 for the following:

American Legion Post #407
161 – 1st Street North

Approved the Liquor, Wine, Club or 3.2% License from July 1, 2010 through June 30, 2011 for the following:

Winsted Baseball Club, Incorporated
Campbell Baseball Field

i) Dance Permit

Approved a Dance Permit for the Blue Note Ballroom, 320 – 3rd Street South, for the period of July 1, 2010 through June 30, 2011.

j) Resignation – Troy Fleischacker – Winsted Volunteer Fire Department

Accepted the resignation of Troy Fleischacker from the Winsted Volunteer Fire Department.

k) April, 2010 Financial Report

Approved the April, 2010 Financial Report.

l) April, 2010 Building Permit Report

Approved the April, 2010 Building Permit Report.

m) Claims

Approved the Claims List for May 18, 2010.

Special Presentation

a) Lions Day Proclamation

Mayor Stotko read a Proclamation declaring Tuesday, May 18, 2010 as Lions Day in the City of Winsted and wished current and future members of the Winsted Lions success in their efforts to improve the quality of life in the community.

3) No Public Hearings.

4) Old Business

a) City Administrator Search

Shannon Sweeney gave an update on the number of applications received.

Sweeney reviewed the City Administrator search process.

5) New Business

a) Liquor License Violation – Hussong’s Liquor

Henrich stated that on January 20, 2010 at 6:15 p.m., Officer Dan Pohl conducted an alcohol compliance check at Hussong’s Liquor. The compliance check involved a twenty (20) year old male informant going into Hussong’s Liquor and attempting to buy a can of beer. This informant was accompanied by an off-duty Lester Prairie Police Officer, who was an acting prearranged witness, during the compliance check.

The person who served the informant was identified as being Katherine Anderson, an employee of Hussong’s Liquor. Anderson admitted that she had sold the Winsted Police Department’s underage informant a twenty-four (24) ounce can of beer, and that she did not ask for this person’s identification prior to selling him the can of beer.

Anderson was charged with Procuring Alcohol to a Person Under Twenty-One (21) Years of Age, and has since plead guilty to this charge. Anderson was sentenced for this crime on March 30, 2010. Anderson was placed on probation for six (6) months, during which time she was ordered to serve fifteen (15) days in the McLeod County jail; however, thirteen (13) days of this jail sentence could be done as service work or community work service or she could pay a fine of \$650. She was also ordered to attend a Mother’s Against Drunk Drivers Impact Panel.

Henrich stated that per the City’s ordinance, the City Council may suspend Hussong’s liquor license for up to sixty (60) days. This same ordinance states that for a first violation of this ordinance, the liquor license will be suspended for a minimum of one (1) day. The day of suspension shall be on the same day of the week as to when the violation occurred. In addition, the ordinance allows the City Council to impose a fine of \$500 minimum.

Glenn Hussong addressed the City Council regarding the compliance check. Hussong asked if the fee of the civil penalty fine could be used to offer education classes for employees required to do compliance checks.

Hussong also asked that the City Council require Hussong Liquor to close on another day and not a Saturday because it is a large volume business day.

Ollig stated that he had talked to Hussong and Rachel Schlagel, Blue Note Bar, and they requested that the penalty of closing the liquor store and bar be on another day and not a Saturday. Ollig asked Eggert if the City Council can direct that the liquor establishments close on another day. Eggert stated yes and that it is at the discretion of the City Council what day they require the liquor establishments to close.

Quast stated that she would be willing to move the required closing day from a Saturday to another day due to the impact the strained economy is already having on the businesses.

Wiemiller stated that due to the cooperation that the City has had with the liquor establishments and the strained economy, he would be willing to move it from Saturday to another day.

Mayor Stotko stated that he is going to follow the ordinance.

Ollig motioned to suspend the Liquor License of Hussong's Liquor for one (1) day on Monday, June 19th, 2010 and that Hussong's Liquor pay a \$500 civil penalty to the City of Winsted by June 1st, 2010. Quast seconded. Motion carried 4-1. Mayor Stotko opposed.

b) Liquor License Violation – Blue Note Bar

Henrich stated that on February 20, 2010 at 6:30 p.m., Officer Dan Pohl conducted an alcohol compliance check at the Blue Note Bar. The compliance check involved a twenty (20) year old male informant going into the Blue Note Bar and attempting to buy a bottle of beer. This informant was accompanied by an off-duty Lester Prairie Police Officer, who was an acting prearranged witness, during the compliance check.

The person who served the informant was identified as being Sandra Lauzer, an employee of the Blue Note Bar. Lauzer admitted that she had sold the Winsted Police Department's underage informant a bottle of beer, and that she did not ask for this person's identification prior to selling him the bottle of beer.

Lauzer was charged with Procuring Alcohol to a Person Under Twenty-One (21) Years of Age, and has since plead guilty to this charge. Lauzer was sentenced for this crime on March 30, 2010. Lauzer was placed on probation for six (6) months, during which time she was ordered to serve fifteen (15) days in the McLeod County jail; however, thirteen (13) days of this jail sentence could be done as service work or community work service or she could pay a fine of \$650. She was also ordered to attend a Mother's Against Drunk Drivers Impact Panel.

Henrich stated that per the City's ordinance, the City Council may suspend the Blue Note Bar's license for up to sixty (60) days. This same ordinance states that for a first violation of this ordinance, the liquor license will be suspended for a minimum of one (1) day. The day of suspension shall be on the same day of the week as to when the violation occurred. In addition, the ordinance allows the City Council to impose a fine of \$500 minimum.

Jacob Schlagel addressed the City Council and stated that the Blue Note Bar has taken steps to educate their staff to avoid having this happen again in the future.

Ollig motioned to suspend the Liquor License of the Blue Note Bar for one (1) day on Monday, June 21st, 2010 and that the Blue Note Bar pay a \$500 civil penalty to the City of Winsted by June 1st, 2010. Quast seconded. Motion carried 4-1. Mayor Stotko opposed.

c) Liquor License Violation – Big Al's Bar

Henrich stated that on February 20, 2010 at 6:08 p.m., Officer Dan Pohl conducted an alcohol compliance check at Big Al's Bar. The compliance check involved a twenty (20) year old male informant going into Big Al's Bar and attempting to buy a bottle of beer. This informant was accompanied by an off-duty Lester Prairie Police Officer, who was an acting prearranged witness, during the compliance check.

The bartender who served the informant was identified as Al Graunke, the owner of Big Al's Bar. Graunke admitted that he had served this underage informant a bottle of

beer, and that he did not ask for this person's identification prior to serving him the bottle of beer.

Graunke was charged with Procuring Alcohol to a Person Under Twenty-One (21) Years of Age, and has since plead guilty to this charge. Graunke was sentenced for this crime on April 19, 2010. Graunke was placed on probation for six (6) months, during which time he was ordered to serve fifteen (15) days in the McLeod County jail; however, thirteen (13) days of this jail sentence could be done as service work or community work service or he could pay a fine of \$650. He was also ordered to attend a Mother's Against Drunk Drivers Impact Panel.

Graunke's prior conviction involved him pleading guilty to violating two (2) separate subdivisions of our City's liquor ordinance on April 25, 2009. The violated subdivisions in this case involved "No Liquor Container to Remain on Bar 30 Minutes after Close" and "No Person Other than Employee to be Inside the Bar 30 Minutes after Close". Graunke was assessed a fine of \$250 per guilty plea.

Henrich stated that per City ordinance, the City Council may suspend a bar's liquor license for up to sixty (60) days. The ordinance states that for a second violation of this ordinance within a three (3) year period, a bar's liquor license will be suspended for a minimum three (3) consecutive days. The days of suspension shall be on the same day of the week as to when the violation occurred. In addition, the ordinance allows the City Council to impose a fine of \$1,000 minimum.

Ollig stated that he believes that Graunke's violation is different from Hussong's and the Blue Note Bar's because it is his second violation. He stated that if the City Council issues them the penalty as recommended by Henrich, they are being lenient because they could suspend their license for sixty (60) days.

Mayor Stotko stated that considering the City Council's previous argument that they did not want to close Hussong's Liquor and the Blue Note Bar on a Saturday due to the strained economy, they should do the same for Big Al's Bar. He continued by stating that if the City Council votes to close Big Al's Bar on the days recommended by Henrich, he will oppose it.

Quast stated that she was disappointed that a representative from Big Al's Bar was not in attendance at the meeting.

Wiemiller motioned to suspend the Liquor License of Big Al's Bar for three (3) consecutive days on Saturday, June 19th, 2010; Sunday, June 20th, 2010 and Monday, June 21st, 2010 and that Big Al's Bar pay a \$1,000 civil penalty to the City of Winsted by June 1st, 2010. Ollig seconded. Motion carried 4-1. Mayor Stotko opposed.

Henrich stated that he wanted the City Council to be aware that the Police Department will be conducting compliance checks again in the future.

Mayor Stotko asked if the compliance checks could be done on different nights. Henrich stated that it would be difficult because it would not be cost effective.

Eggert commented on his letter to the City Council regarding the violation of Papa Tom's Bar and Grill. Ollig asked Eggert to clarify that his letter states that Papa Tom's Bar and Grill's penalty would be \$1,000 and it would cost the city more legally to pursue payment of the penalty. Eggert stated yes, that is what my letter to the City Council states.

6) Department Report

a) Public Works Department

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

- Have flushed fire hydrants.

- Hauled gravel to Grass Lake Road.
- Street sweeping.
- Prepared downtown flower boxes.
- Opened all the parks.
- Treating weeds in the parks, at City Hall and in the Lakefront Promenade.
- Installing radio read water meters.
- Assisted with the sewer realignment in the Industrial Park.
- Stotko, Jamie and Meyer attended a class on the emerald ash bore.
- Service city vehicles.
- Hauled bleachers and picnic tables to the parks.
- Removed and treated weeds around the entrance signs.
- Trimmed trees.

Quast stated that there a lot of boulevard trees that have leaves falling off and asked what type of trees they are. Meyer stated that they are older ash trees and the leaves will fall off of them. Meyer also stated that the trees will not die; they just will not have as many leaves on them.

Stotko stated that the Public Works Department has evaluated ash trees for emerald ash bore in the City and none have emerald ash bore.

7) No Open Forum.

8) Announcements

a) Open House – McLeod County Road 116 Turnback Project

Mayor Stotko reminded residents of the two (2) Open Houses on May 20, 2010 in the Vollmer Room at City Hall. The first Open House is scheduled from 12:00 noon to 1:30 p.m. and the second Open House is scheduled from 5:00 p.m. to 7:00 p.m.

Mayor Stotko stated that there will be information available for participants to view and the City's engineer will be present to address any questions.

9) Adjournment

Quast motioned to adjourn. Wiemiller seconded. Motion carried 5-0.

Respectfully submitted,

Deborah R. Boelter
City Clerk-Treasurer