

# City of Dover Meeting Minutes September 2018

## September 6, 2018

Meeting called to order at 7:00 PM. Present were Mayor Roger Ihrke, Council members Melinda Kieffer, Dave Iseminger, Jaime Putzier, Cameron Johnson and City Clerk/Treasurer Gary Pedersen; absent- none. Others in attendance were: Jill Veerkamp-St. Charles Press, Brian Todd- Post Bulletin, Marvin Ihrke-Dover City Water, Jody Wiza, Bruce Wiza and Tammy Stolberg.

Motion by member Iseminger and seconded by member Putzier to approve the proposed minutes for the July meetings, with one correction of a typo. Motion carried.

Financial statements and bills were presented for Council review.

Motion by member Johnson and seconded by member Kieffer to approve the bills as submitted including the approval of a new street light and costs associated. Motion carried.

Hearing was then opened for the charges of serving a minor by the Shack Bar in Dover. Owner Jody Wiza addressed the Council along with employee Tammy Stolberg. They both admitted to the bar and Ms. Stolberg serving a minor as the police report and court case stated, the reports were presented to Ms. Wiza as evidence.

Motion by member Iseminger and seconded by member Kieffer to pass Resolution No. R-06-2018 titled Liquor License Hearing Resolution. The resolution stated that this is the third violation with in a three-year period for the bar, thus a \$1,500 fine and a five-day suspension is imposed on the license holder. The motion carried with four votes in favor of the motion, zero votes against and one voted to abstain. Full resolution is at bottom of the minutes.

Motion by member Putzier and seconded by member Johnson to set the suspension for the Shack Bar for Sunday September 9, 2018 thru Thursday September 13, 2018 (the motion includes the bar will be closed on Sunday and Thursday along with the days in-between. Motion carried.

Ms. Wiza then asked the Council if she is in trouble for having the Hair Salon open during the last suspension?

Motion by member Iseminger and seconded by member Kieffer to table the request by Ms. Wiza, until the October meeting so Council could get Attorney input. Motion carried.

Other items:

The street project began with work today- street grinding and tree removal.

Motion by member Johnson and seconded by member Kieffer to stop the service on the fire alarm in the cities old elementary school. Motion carried.

Budget proposal was reviewed by the Council and Clerk.

Motion by member Iseminger and seconded by member Johnson to approve the proposed budget that will include a 2% increase in the levy. Motion carried. Meetings for budget and levy discussions will be held at the regular monthly meeting on December 6<sup>th</sup>, 2018 after 7 PM for the purpose of finalizing the levy for 2019.

It was decided that next month on the agenda the City will seek bids for the upcoming winter season for snow removal and a three-year contract for lawn mowing, the Clerk will schedule and advertise.

Motion by member Johnson and seconded by member Iseminger to install a new down spout on the school and hire Brandon Schlueter Construction to do the work. Motion carried.

Rhinnon Flury, member Iseminger will meet with her over the issue of her lawn and posts that she said were damaged during snow removal last year.

The Fire Department will flush the city water hydrants the night of September 25<sup>th</sup> and low pressure for some residents could result during the flushing.

Pumpkin Fest is scheduled for October 13, 2018 at the school, members Kieffer and Putzier are heading up.

Discussion took place about moving the City Clerks Office and the meeting room for the Council to the School, possibly late this fall or early next spring.

Motion by member Iseminger and seconded by member Johnson to adjourn at 8:40 PM.

Gary Pedersen-Dover City Clerk

## **RESOLUTION NO. R-06-2018**

### **Liquor License Hearing Resolution**

Whereas: the State of Minnesota has granted the authority to Cities in Minnesota to enact and enforce regulations regarding the sales of intoxicating liquor; and

Whereas: the City of Dover has adopted regulations for the sales of intoxicating liquor; and

Whereas: the City of Dover has notified Ms. Wiza by certified mail of the following;

The Dover City Council will be conducting a hearing on the charge of serving a minor during their regular City Council meeting scheduled for September 6, 2018 beginning at 7:00 PM in the Dover City Hall. The charge was dated 12/04/2017 by Olmsted County Sherriff's Department on the Hairshack Bar and Employee Tamera Stolberg. Please be present to address the matter.

NOW THEREFORE, let it be resolved, that the City enforces its Municipal Regulation and Licensing Ordinance-

#### 402.06 Persons under 21; Illegal Acts

Subd. 1 Consumption. It is unlawful for any:

a. Retail intoxicating liquor licensee or bottle club permit holder under Minn. Stat. 340A.414, to permit any person under the age of twenty-one years to consume alcoholic beverages on the licensed premises.

#### 402.11 License Revocation or Suspension

Subd. 5 Guidelines; Penalties. Violations of any law, ordinance, or regulation within any three-year period shall be documented and presented to the Dover City Council. If the Council determines enough evidence has been presented the Council shall use the following penalty guidelines to enforce the City Code. Any alcohol related citation from law enforcement is grounds for immediate penalty.

- (1) For the first violation within any three-year period, a written warning by the City shall be given.
- (2) For the second violation within any three-year period, \$1,000 fine and three-day suspension of license.
- (3) For the third violation within any three-year period, \$1,500 fine and five-day suspension of license.
- (4) For the fourth violation within any three-year period, \$2,000 fine and license shall be revoked.

The Council shall select the day or days during which the license will be suspended.

Findings:

1. The Olmsted County Case Report Summary of serving a minor by employee Tamera Stolberg of the Shack Bar, dated 12/04/2017, see attached report.
2. Register of Actions-Case No. 55-CR-18-251 from the 3<sup>rd</sup> Judicial Court in the State of Minnesota where Tamera Stolberg, the defendant, was charged with Liquor Furnished to Person Under 21, see attached report on conviction and plea by the defendant.

Conclusion:

The City Council of Dover following its ordinance and the findings of the charge of serving a person under 21 by the Olmsted County Sheriffs Department and the Court Case findings must enforce action against the Shack Bar as follows for the third violation within a three-year period:

**For the third violation within any three-year period, \$1,500 fine and five-day suspension of license**

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_,

to enforce the third violation within a three-year period of \$1,500 fine with five-day suspension of license with days of suspension to be determined by Council. The motion carried with \_\_\_\_\_yes votes and \_\_\_\_\_no votes and \_\_\_\_\_abstentions.

Passed and adopted by the Dover City Council on September 6, 2018.

Attest:

\_\_\_\_\_

Gary Pedersen, Clerk

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Roger P. Ihrke, Mayor